

# HEARING FOR SECRETARY OF LABOR-DESIGNATE THOMAS E. PEREZ

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## HEARING OF THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS UNITED STATES SENATE ONE HUNDRED THIRTEENTH CONGRESS FIRST SESSION ON NOMINATION OF THOMAS E. PEREZ TO BE SECRETARY OF LABOR

APRIL 18, 2013

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## HEARING FOR SECRETARY OF LABOR- DESIGNATE THOMAS E. PEREZ

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THURSDAY, APRIL 18, 2013

U.S. SENATE,  
COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:08 a.m. in room SD-430, Dirksen Senate Office Building, Hon. Tom Harkin, chairman of the committee, presiding.

Present: Senators Harkin, Alexander, Mikulski, Cardin, Murray, Sanders, Casey, Hagan, Franken, Whitehouse, Baldwin, Murphy, Burr, Isakson, Hatch, Roberts, Murkowski, Cardin and Scott.

### OPENING STATEMENT OF SENATOR HARKIN

The CHAIRMAN. The Senate Health, Education, Labor, and Pensions Committee will come to order.

Today, we are meeting on a hearing for the confirmation of our Secretary of Labor-designate, Thomas E. Perez, to be the next Secretary of Labor.

In order to start the process, I will first recognize our two distinguished colleagues from the State of Maryland for purposes of introduction. First I will recognize the senior Senator from the State of Maryland, Senator Mikulski.

### STATEMENT OF SENATOR MIKULSKI

Senator MIKULSKI. Good morning, Mr. Chairman.

Thank you very much for the courtesy of allowing me, and Senator Cardin, to introduce one of Maryland's favorite sons, Tom Perez, to be the President's nominee to lead the Department of Labor.

Mr. Perez has been the Assistant Attorney General for the United States, and has also been the Maryland Secretary of Labor and Licensing, and also was a member of the Montgomery County council. All three of these jobs show his expertise and his ability to navigate some very complex situations.

We believe he is the right man for the job. Senator Cardin and I are here to advocate that the committee send forth his nomination for a full vote in the Senate, not only because he is one of Maryland's favorite sons, but because we believe he brings integrity, competency, and commitment to the mission of the agency.

His resume is outstanding. A Harvard Law School graduate, he served in public service at the county and State levels, and he has the commitment to the mission of the agency.

In terms of his own personal background, it is really the story of America. His father came to this country under very difficult circumstances. His grandfather was one of the leaders of the Voices of Freedom in the Dominican Republic, punished for that, declared a persona non grata, but his father was able to stay in this country as a legal immigrant, go into military service, and to become a physician. And to show his gratitude to the United States of America, worked only for the Veterans Administration serving the country that he felt saved him and his family.

Tom grew up with public service in his DNA. His father died when he was a young boy, and he will tell that compelling narrative. But through the dint of hard work, a loving mother, and a Nation that offered opportunity, he was able to work his way through school, get the scholarships, worked even as a trash collector doing summer job, to be able to advance himself. He knows what the American Dream is, but he knows what hard work is, and he knows what an opportunity ladder we need to have in this country. But in addition to that, he brings a great deal of skill.

We know Tom at the Montgomery County council level, where Government closest to the people had to really govern best, and it is a complex, growing county filled with how you had to work with public-private partnerships.

I admire Tom so much for when he was head of the Maryland Department of Labor. It was there, working with the Maryland Chamber of Commerce, a Democrat, everyone thought, "Oh, my God. What is this going to mean?" They now have a letter in the record; the Maryland Chamber of Commerce is recommending Tom to be the Secretary of Labor. Why? Because he listens; second, he learns; third, he brings everybody to the table for a pragmatic, fair, and collaborative work.

He has a wonderful family that I know he will introduce, but what he feels is that the Perez family belongs to the American family and he wants to give of his best. So let's give him the best shot of being confirmed as Secretary of Labor.

The CHAIRMAN. Thank you very much, Senator Mikulski.

Senator Cardin, welcome.

#### STATEMENT OF SENATOR CARDIN

Senator CARDIN. Senator Harkin, thank you very much for the courtesy, and I very much appreciate this hearing. Senator Alexander, I appreciate the courtesy of being before the committee.

I want to thank Tom Perez for his many years of public service. I want to thank him, and his family, for his willingness to continue to serve our country in this new challenge as Secretary of Labor.

Mr. Chairman, I also want to acknowledge our colleagues that are here from the House, Congressman Cardenas and Congressman Lujan in support of Mr. Perez's nomination.

As Senator Mikulski said, we are very proud of Tom Perez and his incredible record of service. We are proud that he is a Marylander. We are proud of what he has been able to accomplish in his career as Maryland's Secretary of the Department of Labor, Licensing, and Regulation.

As Senator Mikulski pointed out, in that position, which is very comparable to the Secretary of Labor, he received the highest

praise from the business community, the labor community, the consumer community, all felt that he was fair, open, and balanced in the manner in which he conducted the important responsibilities of that office at the State level.

He also is a former Montgomery County councilperson, and for those of you who are familiar with Montgomery County, MD, you know there is probably no more difficult job than being a county councilman in Montgomery County, MD. He handled that position with incredible skill and judgment.

He is a former staff advisor to our former colleague Senator Kennedy. So he understands the U.S. Senate. He understands the role that the administration, a cabinet-level position must maintain with the Congress of the United States.

But I particularly want to talk about his responsibilities as Assistant Attorney General of the Civil Rights Division of the Department of Justice. I want to talk about that just for a moment because I had the opportunity to chair that confirmation hearing when he was appointed to that position, and as the Judiciary Committee vetted that nomination. He was ultimately approved by the Senate by 72 to 22 votes. So he has been through the vetting process. We know his background. We know his commitment to fairness.

The interesting point here is he went into an extremely challenging position. We all know that the Civil Rights Division had major problems that were well-documented by independent studies, and Tom Perez has turned that around. He has an incredible record on behalf of restoring the integrity of the Civil Rights Division reversing a lot of serious problems. His record is clear of enforcing civil rights for all Americans.

Let me mention a few of the record here: 194 human trafficking cases—that is a 40 percent increase; 141 convictions of Federal hate crimes—74 percent increase.

On the housing recoveries, which I am particularly proud about, predatory lending, I know Senator Isakson and I have worked on this to try to make sure that we have the proper balance here. I know what happened in my State of Maryland where people who were qualified for conventional loans were steered into high cost subprime products. As a result, they lost their homes; in many cases lost their savings.

Well, Tom Perez was part of us getting Countrywide Finance to be responsible for the damage they have caused. The largest settlement in the history in this field, \$335 million to 230,000 victims, and he has a similar record on employment rights, and returning veterans—a 40 percent increase.

He has received high praise from Democratic and Republican Governors in the manner in which he handled the comprehensive settlement under the ADA on disability rights. He has an impressive record of working together, getting things done, and bridging the gap between business and labor, protecting the rights of all Americans.

I am very proud to support his confirmation as President Obama's choice to be Secretary of Labor.

The CHAIRMAN. Thank you very much, Senator Cardin. And Senator Mikulski, thank you both for being here and for supporting

this very well-qualified nominee. Thank you for your very strong statements.

I know that you have other obligations to fulfill, Senator Cardin and Senator Mikulski, who is chair of our distinguished Appropriations Committee, but if that is not beckoning you, you could take your rightful place right here for the remainder of this hearing.

Thank you both very much. Thanks, Ben.

I understand Representative Cardenas and Representative Lujan are here. I also was told that Representative Roybal-Allard and Representative Hinojosa are also here. If I missed any members of the House, I apologize, but thank you also for being here in support of this nominee.

Let me add my voice to those of the two Senators from Maryland.

As we have just heard, his life is the story of the American Dream. The child of immigrants from the Dominican Republic, he lost his father at a young age, and worked hard at a lot of jobs to put himself through school: warehouse worker, garbage collector, school dining halls. It is this kind of incredible work ethic that got him through with honors at Harvard and the Kennedy School of Government.

With such an impressive resume, Tom Perez could have done pretty much anything with those degrees and accomplishments. He could have made a lot of money in the private sector, but instead, he chose to become a public servant, and has dedicated his career to ensuring that every American has the same opportunity that he had to pursue the American Dream.

From his early days at the Department of Justice—where he helped prosecute racially motivated hate crimes, and chaired a taskforce to prevent worker exploitation; to his time at the Maryland Department of Labor that we just heard about from Senator Mikulski and Senator Cardin, where he helped struggling families avoid foreclosure and revamped the State's adult education system—Mr. Perez has demonstrated his unwavering commitment to building opportunities for all Americans. It is this commitment to building opportunity that makes Tom Perez an ideal choice for Secretary of Labor.

Of all the executive agencies, it may be the Department of Labor that touches the lives of ordinary working Americans the most on a day-to-day basis. The Department of Labor ensures that every American receives a fair day's pay for a hard day's work, and they can come home safely from work at the end of the workday.

It helps ensure that a working mother can stay home to bond with her newborn child and still have a job to return to. It helps workers who have been laid off, veterans returning from military service, and others who face special employment challenges to build new skills and better opportunities for the future.

And, the Department of Labor helps guarantee that hardworking people who have saved all their lives for retirement can enjoy their golden years with security and peace of mind.

As our country continues to move down the road to economic recovery, the work of the Department of Labor will become even more critical. The Department will play a vital role in determining what kind of recovery we have, a recovery that benefits only a select few, or one that rebuilds a strong American middle class, where every-



one who works hard and plays by the rules can build a better life for themselves and their children.

Now more than ever, we need a dynamic leader at the helm of the Department of Labor who will embrace a bold vision of shared prosperity, and help make that vision a reality for American families. I am confident that Thomas Perez is up to this challenge.

His professional experience gives me confidence that he has the leadership skills, management experience, and policy expertise to be an effective Secretary of Labor. And he has what is perhaps the best credential to lead a labor agency, namely the fact that he has done it before in the State of Maryland.

During his time as the Secretary of the Maryland Department of Labor, Licensing, and Regulation, he built a strong reputation as a consensus-builder. His outstanding work in Maryland has won him the support of the business community and worker advocates alike.

It has been mentioned that he has the support of the Maryland Chamber of Commerce. I just want to quote from their letter to this committee. This is a quote from the Maryland Chamber of Commerce,

“Mr. Perez proved himself to be a pragmatic public official who was willing to bring differing voices together. The Maryland Chamber had the opportunity to work with Mr. Perez on an array of issues of importance to employers in Maryland, from unemployment and workforce development to the housing and foreclosure crisis.

Despite differences of opinion, Mr. Perez was always willing to allow all parties to be heard and we found him to be fair and collaborative. I believe that our experiences with him here in Maryland bode well for the Nation.”

But perhaps even more important than his professional background, Tom’s personal background reassures me that he will lead with heart, with compassion, and with integrity. I know he has not forgotten what it is like to pick up garbage and to see the dignity in every aspect of every worker’s lives.

I know he has not forgotten what it is like to struggle for opportunities. I know he has a passion for fairness and justice, learned at the hand of his former employer—and this committee’s former chairman, Senator Kennedy—that he will serve the Department of Labor and our entire country well in the years ahead.

I have looked carefully, as the chairman of this committee, in fulfilling my obligations as the chairman, I have looked carefully into Mr. Perez’s background and his record of service. I can assure this committee that Tom Perez has the strongest possible record of professional integrity, and that any allegations to the contrary are unfounded.

I ask unanimous consent to include, in the record, approximately 25 letters of support for Mr. Perez’s nomination from a bipartisan array of civil rights organizations, business organizations, labor organizations, and leaders in government and industry attesting to his leadership skills, policy expertise, professional integrity, and personal character.

[The information referred to may be found in Additional Material.]

The CHAIRMAN. As these letters and Mr. Perez's life time of service so abundantly illustrate, he is a visionary leader who will bring a breadth of knowledge and practical skills to the Department of Labor. The workers, businesses, and families that rely on the Department each and every day will be very fortunate to have Tom Perez at the helm.

With that, I will now recognize our ranking member, Senator Alexander.

#### OPENING STATEMENT OF SENATOR ALEXANDER

Senator ALEXANDER. Thanks, Mr. Chairman.

Mr. Perez, welcome and congratulations on your nomination.

As Senator Harkin has said, the Department of Labor is a very important agency, with an extremely broad reach: job training programs, keeping workplaces safe from injury, fair employment practices, integrity of the Unemployment Compensation Trust Fund, vast enforcement powers, working with the President and us to find ways to help Americans get back to work at a time when 12 million people are unemployed.

And among those responsibilities is the responsibility for protecting the rights of whistle blowers who report violations under 22 important statutes on topics from clean air to pipeline safety to Sarbanes-Oxley.

Whistle blowers have been around a long time. They are protected by the False Claims Act, which started with President Lincoln. Senator Grassley amended it in 1986, led an effort to do that, and since 1986, use of the False Claims Act has returned \$35 billion in taxpayer dollars by pursuing 8,500 whistleblower claims. And in 90 percent of the cases where the Government joins in with the whistleblower, they win.

That is why the allegations, which have been made in a report that was issued this week about Mr. Perez's interference with decisions not to intervene in a whistleblower case, are of concern.

On April 15, the House Oversight Committee, the House Judiciary Committee, and Senator Grassley's staff released a report detailing, in their opinion, how Mr. Perez intervened with the Department of Housing and Urban Development, and with the Civil Division of the Department of Justice, and persuaded them to drop support for a whistleblower case.

The case could have returned, so the report says, up to \$200 million in misspent funds to the taxpayers. And in exchange for that, Mr. Perez, according to the report, helped to convince the city of St. Paul to drop a Supreme Court case that he feared would limit the application of the disparate impact theory, a legal theory that Mr. Perez admires. The report concluded that this was a quid pro quo between the Department of Justice and the city of St. Paul, engineered by Mr. Perez.

The report said that in the whistleblower complaint, the Department of Justice gave up an opportunity to return as much as \$200 million to taxpayers. The report said the consensus of the Federal Government to switch its recommendation, and to decline to intervene in the whistleblower case, was directly the result of Mr. Perez's intervention.

Another report released in March 2013, by the Department of Justice Inspector General, found harassment of employees based on political views and a lack of professionalism among some division employees. So the House Oversight and Judiciary Committees, and Senator Grassley are still investigating these actions. They are still seeking some information.

Mr. Perez, we met, and I will be asking you this when question time comes. There is an outstanding subpoena for e-mails that the Oversight chairman and Senator Grassley believe has been complied with only partially.

There are two witnesses from the Housing and Urban Development Department who can shed light on the St. Paul transaction, and they have not yet been made available for interviews to the House committees even though the request was made October 26.

And then I have an outstanding request for copies of transcribed interviews, gathered during the Department of Justice Inspector General investigation that resulted in the March 12 report. All of these could be produced, I would hope, within a matter of a few days. All of them are essential to doing our job of advise and consent.

I look forward to further questions, and an opportunity to ask Mr. Perez about these items.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Alexander.

Again, welcome, Mr. Perez. Your statement will be made a part of the record in its entirety. I would ask that you proceed as you so desire. Usually we allot 5 minutes, but in terms of nominees for the heads of agencies and departments, you can take up to 10 minutes, if you would like, to address the committee.

Thank you, Mr. Perez.

**STATEMENT OF THOMAS E. PEREZ, B.A., M.P.P., J.D., SECRETARY-DESIGNATE, DEPARTMENT OF LABOR, TAKOMA PARK, MD**

Mr. PEREZ. Thank you, Mr. Chairman and Ranking Member Alexander, and other members of the committee.

If I could first begin by introducing my family, I would welcome that privilege of doing so. This is my wife of almost 25 years, Ann Marie Staudenmaier, who is a very accomplished public interest lawyer in her own right, and former Legal Aid lawyer. And I know the first African-American appointed to the bench in Tennessee by Senator Alexander was a former Legal Aid lawyer. So I appreciate your commitment to Legal Aid lawyers.

And these are my three children. My oldest, Amalia, is a junior in high school. My middle child, Susana, is a ninth grader, and my little guy, Rafael, is a fifth grader, and they are honored to be here today.

The CHAIRMAN. He looks like a big guy to me.

[Laughter.]

Mr. PEREZ. Yes. He is a big guy and it has been a privilege coaching all of the kids in various sports. He is a pretty good baseball player, not to mention soccer and a few other things. Thank you for your courtesy in allowing me to introduce my family.

And thank you for the opportunity to appear today. I have had the pleasure of meeting with most of you, and hearing your ideas and suggestions about the Labor Department. I am eager to continue those conversations today and hopefully for the next several years, if I am confirmed by the full Senate.

Thank you, Senator Mikulski and Senator Cardin for those kind introductions, and for your service to our beloved State of Maryland and to America.

I am very deeply grateful to the President for the confidence he has shown in me with this nomination. I share the President's vision of a growing economy powered by a rising middle class, with ladders of opportunity available to everyone willing to climb them. The mission of the Department of Labor, now more than ever, is the mission of America.

Let me also thank Secretary Hilda Solis for her commitment to workers and her stewardship of the Labor Department. Since her departure, Acting Secretary Seth Harris has led the Department with energy, expertise, and excellence. It would be an honor to build upon their legacy of great work.

Before I continue, as I said before, I want to thank my family. They have been a rock for me. You cannot go into public service in the way I am if you don't have the whole family onboard. You all appreciate that, given the sacrifices that you make every single day, and my family has done the same, and I am most grateful.

My family story is a quintessentially American story of immigrants looking for a better place to live, to raise children, and to access opportunities.

My mother arrived here in the 1930s when her father was appointed Ambassador to the United States from the Dominican Republic. A few years later, my grandfather was declared non grata after speaking out against the dictator's human rights abuses.

My father also fled the ruthless regime, came to America, fell in love with this Nation, served with distinction as a legal immigrant in the U.S. Army, got his U.S. citizenship the first day he was eligible, and followed his career in the U.S. Army by becoming a physician at the V.A. Hospital in Buffalo, NY. The weather was very similar in Buffalo to the Dominican Republic, as you can imagine, and that is what attracted my family to Buffalo, NY.

My dad died when I was 12 and it left a deep, personal void, and also a financial strain for our family. But we pulled through and we pulled through because my mother was a rock, my four older siblings were always there for me, and we lived in a place like Buffalo where neighbors always looked after neighbors.

I was also fortunate that the Federal Government invested in my future. With the help of Pell grants, work study jobs, and other scholarships, I was able to get a first class education that led to a career in public service. At the local level, as a member of the Montgomery County Council, at the State level with the Department of Labor, and at the Federal level as a career prosecutor, a Senate aide, and most recently, Assistant Attorney General for Civil Rights.

While I am currently a political appointee in the Civil Rights Division, I spent the bulk of my 13-year tenure there as a career criminal prosecutor. I have had the privilege of working at the De-

partment of Justice, Civil Rights Division, under four Presidents: Ronald Reagan, George Herbert Walker Bush, Bill Clinton, and now President Obama.

So much of what the Division does is nuts and bolts law enforcement that may not make the headlines, but is critically important to making communities safer and ensuring a level playing field. From combating human trafficking and hate crimes, to protecting the rights of service members and people with disabilities, I am very proud of our accomplishments over the last 4 years.

I had the privilege of working for Senator Edward Kennedy, whose bipartisan leadership of this committee together with Senators Alexander, Hatch, Enzi and so many others, made a difference in the lives of so many people.

From Senator Kennedy, perhaps more importantly than any lesson, I learned the lesson that idealism and pragmatism are not mutually exclusive. Government works best when people of good faith come together, guided by conviction, but prepared to seek principled compromise for the good of the Nation. These are the principles that underlie Senator Enzi's 80/20 rule, and so many other statements of support for the notion of seeking common ground that I have heard on this committee and elsewhere.

There is so much that unites us, and so much of it falls under the jurisdiction of the Department of Labor. I believe we can all agree on the need to create jobs and strengthen the middle class; to invest in human capital and to build a competitive workforce for our businesses to grow; to give everyone a chance to retire with dignity; to offer workers a fair wage and safe working conditions; and to find a place for our Nation's veterans in a civilian economy.

At Secretary Solis's confirmation hearing in 2009, Senator Enzi said, "The successful stewardship of the Department of Labor requires the ability to work constructively with many stakeholders." I could not agree more, and indeed, that has been the approach I have taken throughout my career.

At the Department of Labor in Maryland, I am especially proud of our efforts to make our workforce more demand-driven, responsive to the needs of employers and workers alike. We made room for everyone around the table, and we embraced the input of everyone who had skin in the game.

In all of these capacities, I have always tried to listen more than I talk. To approach contentious issues with an open mind and basic respect; to build broad coalitions of business leaders, labor unions, and others in pursuit of constructive solutions to tough problems, and I will continue to do so if confirmed.

This year is the Labor Department's 100th Anniversary. In March 1913, the Department first opened its doors, in the words of its charter,

"To foster, promote, and develop the welfare of working people, to improve their working conditions, and to enhance their opportunity for profitable employment."

Perhaps more than ever before, Americans are depending on the Department to continue to fulfill this historic and critical mission.

Let me briefly discuss my thoughts about priorities for the Department, if I have the privilege of being confirmed.

As our Nation continues to emerge from one of the worst recessions in our history, I see an opportunity to take the same collaborative and bipartisan approach I have applied throughout my career to reauthorize the Workforce Investment Act. I applaud the bipartisan efforts of this committee to reauthorize WIA, and I look forward, if confirmed, to working with you on this critical task.

I learned many lessons about job creation and workforce development during my tenure in Maryland. Perhaps most importantly, businesses will always be the primary generator of good jobs, and we cannot have a strong economy unless industry is not just surviving, but thriving.

At the same time, Government can be an active partner and a force-multiplier. The Department of Labor can work with key stakeholders to ensure that businesses have access to an agile and skilled workforce, and that the ladder of opportunity is available to any person wishing to maximize their own gifts and talents, and earn a decent living.

The Department must also continue to perform its critical tasks of ensuring a safe and equal opportunity workplace. Job safety and job growth are not mutually exclusive; it is not necessary to choose between one or the other.

Pension security is also an important Labor Department priority, as is the evenhanded enforcement of wage and hour laws. If an employer does not comply with overtime laws, or pays workers under the table, for instance, that employer is not simply violating the law and harming workers, but is also creating an unlevel playing field for the vast majority of employers who play by the rules.

The President has asked all of us to consider three questions in all of the decisions we make: how do we make America a magnet for jobs? How do we equip our people with the skills they need to succeed in those jobs? And how do we ensure that an honest day's work leads to a decent living? These questions are at the core of the mission of the Department of Labor. And if confirmed, you have my word that I will keep them there.

With that, let me once again thank the committee for your consideration of my nomination and for your unwavering courtesy throughout my visits with all of you.

I look forward to your questions today and beyond. Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Perez follows:]

PREPARED STATEMENT OF THOMAS E. PEREZ, B.A., M.P.P., J.D.,

#### INTRODUCTION

Good morning. Chairman Harkin, Ranking Member Alexander, and other members of the committee—thank you for this opportunity to testify today. I've had the pleasure in the last several weeks of meeting with most of you, hearing directly about your ideas and your priorities regarding the state of our economy, our workforce, and other challenges facing the Department of Labor. I am eager to continue those conversations today and hopefully for the next several years, as I will seek further counsel from all of you if I am confirmed by the full Senate.

I want to thank my Senators, Senator Barbara Mikulski and Senator Ben Cardin, for those kind introductions and for their tireless work on behalf of our beloved State of Maryland.

I'm deeply grateful to President Obama for the confidence he's shown in me with this nomination to be the U.S. Secretary of Labor. It's been a privilege to serve his Administration, and I hope to continue doing so in a new capacity. I share President

Obama's vision of a growing economy powered by a rising middle class, with ladders of opportunity available to everyone willing to climb them. The Department of Labor plays a critical role in ensuring people have the skills to succeed in a 21st century economy, and that an honest day's work in a safe working environment leads to a decent living.

I also want to thank Secretary Hilda Solis for her service, for her deep commitment to American workers and her stewardship of the Labor Department. Since her departure in January, the Department has been led with great energy and expertise by Acting Secretary Seth Harris. It would be an honor to take the baton from them and build on their legacy of excellent work. The mission of the Department of Labor, now more than ever, is the mission of America.

Before I continue, I also want to thank my wife and my three children for their ever-present patience and support. A life dedicated to public service is only possible when everyone is onboard. Ann Marie Staudenmaier, my wife of almost 25 years and an accomplished public interest lawyer, and my children, Amalia, Susana and Rafael, have been my foundation on this incredible journey. I am eternally grateful for their sacrifice and partnership.

#### FAMILY: A LEGACY OF PUBLIC SERVICE

Let me take a moment to introduce myself to you—to give you a window into my background and my personal history, and how I came to be here today.

My family's story is similar to so many American stories—stories of immigrants looking for a better place to work, to raise children, to access opportunities. Both of my parents came to this country seeking refuge from a repressive regime in the Dominican Republic. My mother arrived in the 1930s when her father was appointed Ambassador to the United States, and then stayed after he was declared “non grata” for speaking out against the dictator following the brutal massacre of thousands of Haitians. My father fled the same ruthless regime later and came to this country seeking a better life. He developed an immediate and deep gratitude for the freedom he found here, and gave back by serving with distinction as a physician in the U.S. Army, followed by a career at the Veterans Administration hospital in Buffalo, NY. My father never got rich working at the VA hospital, but the non-monetary rewards were priceless. In my current job, we have dramatically expanded our work on behalf of servicemembers. Whenever I am working on these cases, I think of my father.

My parents taught my four siblings and me to work hard, aim high, give back and to never forget our responsibility to help pave a path of opportunity for those less fortunate. They also taught us that education was the great equalizer—each of my four siblings would go on to become doctors.

To grow up in Buffalo is to be part of a city that is remarkably resilient, and has seen its share of hard knocks. It's one of those places we can't ever afford to give up on, that we must lift up and help succeed in the 21st century economy.

My father died suddenly when I was 12, leaving a deep personal void and also a financial strain on my mother and our family. But we pulled through in large part because my mother was a rock, my siblings always looked after their kid brother, and we lived in a place where neighbors looked after neighbors. There was no shortage of role models, mentors and support. I was fortunate to have a kind of surrogate dad—my best friend's father—a man of enormous character and wisdom. Though he never finished high school, he passed on to me the life lessons you don't find in a textbook, lessons about the dignity of work, and the importance of treating people fairly.

I was also fortunate that the Federal Government invested in my future. With the help of Pell grants, work study jobs, and other scholarships, I was able to attend Brown University, Harvard Law School, and the Kennedy School of Government. My parents always taught us that to whom much is given, much is expected. With the support of my wife and family, I have been fortunate to dedicate my entire career to public service—at the local level as a member of the Montgomery County Council, at the State level as Maryland's Secretary of Labor, Licensing and Regulation, and at the Federal level as a career prosecutor, as an aide to the late Senator Edward Kennedy, and most recently as the Assistant Attorney General for Civil Rights.

#### PROFESSIONAL EXPERIENCE: COLLABORATION, CONSENSUS-BUILDING, COMMON SENSE AND RESULTS

While I am currently a political appointee in the Civil Rights Division of the Justice Department, I spent the bulk of my 13-year tenure there as a career criminal prosecutor. I have had the privilege of working under four Presidents—Ronald

Reagan, George H.W. Bush, Bill Clinton, and now President Obama. One of my mentors and supporters is John Dunne, who served as Assistant Attorney General for Civil Rights under President George H.W. Bush, and who taught me so much about public service and the effective stewardship of the Division. He taught me that so much of what the Division does is nuts-and-bolts law enforcement that may not make the headlines, but is critically important in making communities safer and ensuring a level playing field.

I am proud of the accomplishments of the Division. We have increased the number of human trafficking cases by 40 percent during the past 4 years, including a record number of prosecutions in 2012, and we dramatically stepped up our hate crimes enforcement.

In the past 4 years, the Division has done more work on behalf of servicemembers than ever before. We recovered more than \$50 million for servicemembers whose homes were improperly foreclosed on while they were deployed, and these recoveries go directly to the servicemembers. We have taken significant steps to ensure that military voters are able to vote and have their vote counted, and in the past 4 years, we increased the number of cases filed to protect the employment rights of servicemembers by 44 percent.

Our work on behalf of people with disabilities in the past 4 years has been groundbreaking. We worked collaboratively with Governors in four States—Georgia, Virginia, North Carolina and Delaware (two Republican Governors and two Democrats) to expand opportunities for people with disabilities to live and thrive in their communities. I applaud the leadership of Governors McDonnell and Markell from Virginia and Delaware, respectively; and former Governors Sonny Perdue and Beverly Perdue of Georgia and North Carolina, respectively.

In addition to enforcement, mediation, education, technical assistance and voluntary compliance are important components of our civil rights work as well.

From 1995 to 1998, I had the opportunity to work for Senator Edward Kennedy, whose leadership of this committee in particular was responsible for so much bipartisan consensus that made a powerful difference in the lives of so many Americans. I learned so many lessons from Senator Kennedy, perhaps the most important of which was that idealism and pragmatism are not mutually exclusive. They are both critical ingredients in any recipe for sound policymaking. Government at all levels works best when men and women of good faith and integrity come together, guided by conviction but prepared to seek principled compromise for the sake of progress and the good of the country.

These are the principles underlying Senator Enzi's "80/20 rule" and his success in working with Senator Kennedy. These are the principles that enabled Senators Kennedy and Hatch to forge bipartisan consensus on hate crimes, children's health insurance, and so many other important issues. We ought not make the perfect enemy of the very good. There is so much that unites us—Democrats and Republicans; President Obama and the Congress. And in fact so much of what unites us falls directly under the jurisdiction of the U.S. Department of Labor.

I am confident that we can all agree on the critical need to create jobs to build a stronger middle class; we can all agree that we need to invest in human capital to build a skills infrastructure and a competitive workforce for our businesses to grow; we can all agree that everyone should have a chance to retire with dignity and a measure of economic security; we can all agree that workers deserve a fair wage and safe working conditions; we can all agree that we must find a place for our Nation's veterans in the civilian economy; we can all agree that historically marginalized populations, including people with disabilities, have so much to contribute and need to be brought into the economic mainstream.

At the confirmation hearing for then-nominee Hilda Solis, then-ranking member Enzi stated "the successful stewardship of the Department of Labor requires the ability to work constructively with many stakeholders." I couldn't agree more. And indeed, it is that approach that I have taken throughout my career.

As an elected member of the Montgomery County Council, I worked with people from both parties and stakeholders of all stripes—small businesses and developers as well as the civil rights community and many others.

As Secretary of the Maryland Department of Labor, I focused on workforce development, workplace safety, wage enforcement, and unemployment insurance, among many other functions. I am especially proud of our work to re-engineer our State workforce system to make it more demand-driven, responsive to the needs of employers and workers alike. We made room for everyone around the table and embraced the input of everyone who had skin in the game—including businesses and community colleges, which are such a critical engine of workforce innovation.

We were successful in Maryland because we abandoned the "train and pray" practice. It is wasteful and inefficient to provide workers with skills training and then



pray that a suitable job exists. Instead, we must train people for jobs that we *know* exist, and forging industry partnerships enables us to match skills training with actual need. And we must measure our success by results and outcomes—did people get good jobs and did employers thrive?

In all these capacities, I've always tried to listen more than I talk; to approach contentious issues with an open mind and basic respect; to build broad coalitions of business leaders, labor unions and others in pursuit of constructive solutions to tough problems, and to disagree without being disagreeable.

#### DOL: A STEADFAST MISSION AMID A CENTURY OF CHANGE

This year, the Labor Department marks its 100th anniversary. In March 1913, the Department first opened its doors to—in the words of its charter—“foster, promote and develop the welfare of working people, to improve their working conditions, and to enhance their opportunities for profitable employment.” Still today and in fact more than ever before, Americans are depending on the Department to continue to fulfill its historic mission. We read each month about the Nation's unemployment rate—but you and I know they are more than just numbers in the newspaper. They are single mothers trying to put food on the table, or young adults trying to break into the workforce. They are middle-aged, laid off workers trying to gain new skills for the modern economy, or returning veterans trying to take what they've learned protecting our Nation and put it to use here at home. They are people with disabilities, long-term unemployed and others all too frequently left behind.

They are the backbone of our Nation, and they are the people who will populate our workforce and propel our Nation forward. A workforce development system must serve a dual mission—to help individuals gain the skills needed to build meaningful careers, and to help ensure those skills are the ones our employers needed to grow and thrive. We must have demand-driven workforce development strategies. Programs to train widget makers are useless if there is no demand in our economy for widgets. We must understand the needs of employers, not only today, but 10 years down the road.

As our Nation continues to emerge from one of the worst recessions in our history, I see an opportunity to take the same collaborative and bipartisan approach I have applied throughout my career to reauthorize the Workforce Investment Act. I applaud the bipartisan efforts of this committee to reauthorize WIA, and I look forward, if confirmed, to working with you on this important task. I learned many lessons about job creation and workforce development during my tenure in Maryland. Perhaps most importantly, businesses will always be the primary generator of good jobs, and we can't have a strong economy unless industry is not just surviving, but thriving.

At the same time, government can be an active partner and a force-multiplier. The Department of Labor can work with State and local partners, businesses, community colleges and other educators, workers, unions, and other key stakeholders to ensure that businesses have access to a strong, agile and skilled workforce, and the ladder of opportunity is open for any person wishing to maximize their own gifts and talents and earn a decent living.

The Department must continue to perform its critical tasks of ensuring a safe and equal opportunity workplace. Job safety and job growth are not mutually exclusive, and it is not necessary to choose between jobs and job safety.

Pension security is also an important Labor Department priority, as is the even-handed enforcement of wage and hour laws. If an employer does not comply with overtime laws, or pays workers under the table, that employer is not simply violating the law and harming workers, but also creating an unlevel playing field for the vast majority of employers who play by the rules.

I share President Obama's vision of a growing economy powered by a rising middle class, with ladders of opportunity available to everyone. The President has asked us all to consider three questions in all of the decisions we make: How do we make America a magnet for jobs? How do we equip our people with the skills they need to succeed in those jobs? And how do we ensure that an honest day's work leads to a decent living?

These questions are at the core of the mission of the Department of Labor. If confirmed, I will keep them there.

With that, let me once again thank the committee for your consideration of my nomination. I look forward to your questions.

The CHAIRMAN. Thank you, Mr. Perez and welcome to your family also. I am glad they are also here today.

We will now begin a round of questions.

Mr. Perez, I am sure you will have many priorities when you get to the Department of Labor. But if you could just choose one, what would your very top priority be?

Mr. PEREZ. Jobs, jobs, and jobs. I believe it is critically important to get Americans back to work and I believe the Department of Labor can play a critical role.

As I mentioned before, the President asked those three questions, and one of them is, how do we equip our people with the skills necessary to get those jobs, those good paying jobs? And I believe that the Workforce Investment Act, for instance, presents a real opportunity for us to work in a bipartisan fashion so that we can build a workforce system that is truly demand-driven, and truly meets the needs of workers across the Nation.

The CHAIRMAN. Well, I am hopeful we will get the Workforce Investment Act through, out of this committee, very shortly.

Mr. Perez, concerns have been raised about the global resolution of two cases between the Justice Department and the city of St. Paul in cases called *Magner* and *Newell*. Now frankly, I am surprised by this. Lawyers make strategic judgments all the time about what cases should be appealed; and given the stakes in this matter, the importance of strong enforcement of the Fair Housing Act, I think it is clear the Department made the right call. I have gone through these cases with my staff. As a lawyer, along with lawyers trained on my staff, we went through every bit of that. I think the evidence clearly shows that you acted ethically and appropriately at all times. Nevertheless, I would like to ask a few questions to clarify what took place.

First, isn't it true that applying the disparate impact principle, the Civil Rights Division under your leadership has reached settlements totaling over \$600 million with lenders who violated the Fair Housing Act?

Mr. PEREZ. Yes, sir.

The CHAIRMAN. When you first reached out to the city of St. Paul to make sure the city was fully aware of the potential consequences of an adverse ruling from the Supreme Court, isn't it true that you were not aware of the *Newell* matter, and it was the city of St. Paul, not you, that first raised the possibility of linking the two cases?

Mr. PEREZ. That's correct, sir.

The CHAIRMAN. When the attorneys for the city brought up the *Newell* case and suggested linking the two, you and your staff consulted with both ethics and professional responsibility experts at the Department of Justice.

What was their counsel?

Mr. PEREZ. Their counsel was that because the United States is what is called a unitary actor that it would be permissible for one person to have discussions with the city on multiple issues, as long as the Civil Division approved, and as long as the Civil Division made all of the decisions relating to what became the *Newell* matter. And that's precisely what happened in this case.

All decisions relating to the *Newell* matter were made by people in the Civil Division.

The CHAIRMAN. Ultimately, the Department of Justice decided not to intervene in *Newell*.

Now, to be clear, that decision was made by career attorneys and experts on the False Claims Act under the direction of Mr. Tony West, the Civil Division head. Mr. West retained the authority to make that decision, not you.

Is that correct?

Mr. PEREZ. That's correct, Mr. Chairman.

The CHAIRMAN. While staff at Housing and Urban Development and the U.S. Attorney's Office initially recommended intervention, decisionmakers in those offices have said in transcribed interviews that they always viewed Newell as a close call.

At the same time, the person who led the consideration of the case in the Civil Division was a very senior career attorney and expert on False Claims Act, a Mr. Mike Hertz.

Do you know what Mr. Hertz's view of the Newell case was?

Mr. PEREZ. Mr. Hertz was the Department's pre-eminent expert in the False Claims Act, and a senior attorney in the Civil Division. And after having met with the city, and heard their presentation, and reviewed the totality of the evidence in the case, it's my understanding that Mr. Hertz had a very immediate and visceral reaction that it was a weak case, and a weak candidate for intervention.

The CHAIRMAN. At any time, did you pressure career or political staff at HUD, the U.S. Attorney's Office in Minnesota, or the Department of Justice regarding their decision concerning whether to intervene in Newell?

Mr. PEREZ. Absolutely not, sir.

The CHAIRMAN. Isn't it true that counsel for St. Paul wanted the Department of Justice to intervene in Newell and then move to dismiss it, thus killing the case against it, and that the Department of Justice, and you, adamantly rejected this offer? So Newell himself was still allowed to have his day in court. Is that true?

Mr. PEREZ. That's correct, sir.

The CHAIRMAN. And so, to summarize, St. Paul, not you, first raised the idea of linking the cases.

You and your staff consulted with both ethics and professional responsibility experts at the Department of Justice.

Those experts made clear that it was appropriate to advance a global resolution of the two cases as long as the Civil Division retained authority over the Newell matter, which it did at all times.

Fourth, senior career Civil Division attorneys believed the Newell case lacked merit, and the lack of merit to that case was the primary reason for the Civil Division's decision not to intervene.

And five, you agreed with the decision that the Department of Justice could not agree to the city's proposal to intervene and dismiss because it improperly foreclosed Mr. Newell's day in court.

So again, based on these facts, Mr. Perez, I do not know what the controversy is. As I said, we have gone through this with a fine-tooth comb, with our lawyers, with our staff, and everything I can see is that you acted appropriately and ethically to advance the interests of the United States.

I want to thank you for helping to clarify those issues in this line of questioning.

Mr. PEREZ. Thank you, Mr. Chairman.

The CHAIRMAN. I now yield to Senator Alexander.

Senator ALEXANDER. Thanks, Mr. Chairman.

Mr. Perez—

Mr. PEREZ. Good morning, Senator.

Senator ALEXANDER [continuing]. Welcome again, and welcome to your family. It reminds me of 22 years ago, I sat where you sat, and my family sat where they are sitting. I was nominated by the first President Bush to be the Education Secretary.

Senator Metzenbaum from Ohio said to me, "Governor Alexander, I've heard some very disturbing things about you." All the media was here. "But I won't bring them up here."

[Laughter.]

And Senator Kassebaum turned around to him and said, "Howard, I think you just did." You know, I mean, "Why did you bring it up?"

I won't do that to you. But I would like to go back over what Senator Harkin just went back over, and see if I can summarize it in this way, and give you a chance to explain it in however way you want to.

You are the Assistant Attorney General for Civil Rights, not in the Civil Division, correct?

Mr. PEREZ. That's correct, sir.

Senator ALEXANDER. And what you saw was a case headed, not just headed to the Supreme Court, but in the Supreme Court, which the Supreme Court had agreed to hear that you feared might limit the disparate impact theory of law, which you admire and rely on in many of your cases.

That's correct, isn't it?

Mr. PEREZ. It's a theory of law that every circuit that has ruled on it has ruled is a viable theory.

Senator ALEXANDER. But you were worried that the Supreme Court might limit it, were you not?

Mr. PEREZ. Sure. I was. Bad facts make bad law, and I thought that this case was a poor vehicle for raising the broad issue of whether—

Senator ALEXANDER. You didn't want the Supreme Court to take the case. You thought it would be better if they didn't.

Mr. PEREZ. I thought it was a poor vehicle for the Supreme Court to address the broad issue of the viability of disparate impact theory. And so I reached out to the city to make the point that in the vast majority of cases, the application of disparate impact theory actually works to the benefit of people that Mayor Coleman and others in the city are trying to serve.

Senator ALEXANDER. Yes, why is that your business?

Mr. PEREZ. Oh, I think it's our business, sir, because it—

Senator ALEXANDER. And you are not party to the case, correct?

Mr. PEREZ. There are a number of cases that we're not party to that—

Senator ALEXANDER. But you are not a party to that case.

Mr. PEREZ. The Department, in Democratic and Republican administrations, files amicus briefs and has involvement in cases that they're not parties to.

And in addition, Senator, with all due respect, the Department of Justice is really a guardian of the Fair Housing Act.

Senator ALEXANDER. The Department of Justice is a guardian of taxpayers as well, is it not?

And wasn't it possible—under the case that you then helped to persuade the Civil Division to drop, or to decline to pursue—that the Department of Justice was unable to help get up to \$200 million that might have been of benefit to the taxpayers?

Mr. PEREZ. I totally agree with you that the Department of Justice is also an important guardian of the False Claims Act.

And as I understand the statistics from the last 4 years, there have been \$30 billion recovered since 1986 under the False Claims Act, \$13 billion of which was recovered in the last 4 years, the largest 4-year period of recovery. The value to the United States of a losing case is zero.

The judgment of Mr. Hertz, and the career people in the Civil Division, was that this case was a weak candidate for intervention and that—and in fact, when—

Senator ALEXANDER. I don't have but a minute and a half left. Let me finish my summary, and then I will give you a chance to respond, if I may, when that is through.

Mr. PEREZ. Sure.

Senator ALEXANDER. Here is how it looks to me. You are in one division of the Department of Justice. You see St. Paul heading toward—in the Supreme Court with a case that you are afraid will produce the wrong result.

And so you—to me, it is an extraordinary thing that you would then become involved with the city of St. Paul, with another division of the Department of Justice, and with the Department of Housing and Urban Development, which had originally recommended that the whistleblower case be taken by the Department of Justice.

And the end result, after you are involved with all of this, is the Department of Justice declines to become involved in the whistleblower case.

We know that 90 percent of the time when the Justice Department does get involved, the case succeeds. So it declines to become involved. The case does not collect the money. St. Paul agrees to withdraw the lawsuit that might produce the result you don't like.

That seems to me to be an extraordinary amount of wheeling and dealing outside the normal responsibilities of the Assistant Attorney General for Civil Rights. It seems you have a duty to the Government to collect the money, a duty to protect the whistleblower who is kind of left hanging in the wind. And at the same time, it seems to me, that you are manipulating the legal process to try to get the result you want from the Supreme Court in a way that is inappropriate for the Assistant Attorney General of the United States.

Mr. PEREZ. Senator, with all due respect, I would disagree, and note that the decisions made in this case were in the best interest of the United States.

The senior career people in the Civil Division kicked the tires on this case. They looked at it very carefully. They made a very considered judgment that it was a weak case. They affirmatively rejected a request from the city of St. Paul to dismiss the case so that the relater would not have had his day in court. That decision pre-

served the relater's day in court and that relater was able to move forward.

The judgment that it was a weak case was a judgment that was not made by Tom Perez. It was made by seasoned people in the Civil Division. And the first thing I did, as I noted earlier and as Chairman Harkin has noted, is that we received ethics and professional responsibility guidance.

The U.S. Department of Justice does get involved in a lot of different things, and it was in the interest of justice, and it was entirely appropriate to do so in the opinion of our professional responsibility people and others. And I believe that the resolutions reached in this case were, in fact, in the interest of justice.

Senator ALEXANDER. Mr. Chairman, my time is expired.

The CHAIRMAN. Thanks, Senator.

I will also keep noting that Mr. Newell, in fact, did have his day in court, and it was the court that dismissed the case.

Mr. PEREZ. That's correct, sir.

The CHAIRMAN. Senator Mikulski.

Senator MIKULSKI. Thank you very much, Mr. Chairman.

Mr. Perez, I know that in this confirmation hearing and throughout the process, there will be a couple of these cases that come up. I believe my colleague, Senator Cardin, who is a lawyer, addressed these. I believe the questions that just occurred, both Senator Harkin and Senator Alexander, hopefully will deal with this.

But Mr. Perez, you are here to be the Secretary of Labor. You're not up to be the Attorney General of the United States. You're not up for a judicial appointment, yet. Who knows what the future will hold.

Mr. PEREZ. Appreciate your confidence, Senator.

Senator MIKULSKI. But the President wants you to do this job now and this job now is the Secretary of Labor, where while we are talking about reducing the public debt, we have another, enormous deficit, and that is called the jobs deficit. Your priority was jobs, jobs, jobs, jobs.

I will come back to my introduction, which was to emphasize the partnerships that you formed at the Maryland Department of Labor. When you took that job, business took a deep breath. They thought are you a lefty Democrat from a very blue county, Montgomery; from Tacoma Park where you live, which is known as a community of grassroots activists, which we dearly love. So they wondered about you.

For this confirmation hearing, they have written a letter of endorsement about you. Tell me what you did at the Department of Labor that helped with our job creation. And remember, as you know, Maryland is several counties: a robust corridor; but the end of manufacturing, the struggles in our mountain counties which has an Appalachian demography; the Eastern Shore which again, jobs are leaving.

So tell me what you did to work in public-private partnerships or how you implemented the Workforce Reinvestment Act where we have lots of government, we have lots of community colleges, but we were looking for lots of outcomes. Tell us what you actually did do so that we see what is the prelude when you were a sec-

retary of labor at a State level, not when you were an attorney general.

Mr. PEREZ. Senator, I listened. I traveled around the State. My car currently has 193,000 miles on it, much of which came from my tenure at the Department of Labor, Licensing, and Regulation.

I learned a lot through those travels and through those listening tours. And what I learned was that our system was fragmented. It wasn't serving the needs of business, and it wasn't serving the needs of workers who wanted to up-skill and get a decent job so they could feed their family. I learned that we could do better.

So what we did was a rather dramatic re-engineering of how we deliver workforce services. And it was premised on the following principles.

No. 1, it needed to be demand-driven. You can't have a training program to make widgets if there's no demand for widget-makers. We listened to employers.

We built a big table. We had all the stakeholders around the table, whether it was—

Senator MIKULSKI. What does the word "stakeholder" mean? I hear it so much, it gets on my nerves. What does stakeholder mean?

Mr. PEREZ. It means we listened to all people who had skin in the game. It means employers.

It means community colleges who are the engine of innovation around this country. They can act deftly, as you well know, to create jobs so that Wor-Wic Community College—when there was demand for—they needed truck drivers who had a Commercial Driver's License, CDL. Ray Hoy out there creates a program so you can get a certificate and get a good paying job.

We listened to businesses. We listened to educators. We listened to learners describe the challenges they have, and so many people are struggling to make ends meet.

So in that sector strategy approach, understanding what the manufacturing sector needed, understanding what the health care sector needed, understanding what the hospitality sector needed, we were able, then, to devise a program. And we were able to integrate the program and align it better, adult education, workforce development—

Senator MIKULSKI. Well, where there was conflict, because you heard the same things I heard, Government doesn't listen. They want one-size-fits-all regs. They ask too much of the smaller businesses, et cetera.

How did you handle that?

Mr. PEREZ. We communicated. We made sure we understood every perspective. And you know far better than I will ever know, the challenges confronting people in Garrett County, MD and the western part of the State is different from the challenges on the Eastern Shore of Maryland, are different from Baltimore City or Prince George's County.

By communicating and coming together, we recognized that you can't have a one-size-fits-all solution to workforce development. You need—

Senator MIKULSKI. How would you implement this, then, as Secretary of Labor?

Mr. PEREZ. I would take the same approach process-wise. Making sure we have all the stakeholders around the table. I would make sure that whatever approaches we take are demand-driven because our system works best when we are responding to the needs of businesses.

We knew, talking to Johns Hopkins Hospital, how many phlebotomists they thought they might need, how many physician assistants, and then you build programs around that.

It is demand-driven: listening to sectors, listening to workers, people who want to upscale and devising those programs that are truly integrated so that they work for businesses and workers alike.

Senator MIKULSKI. Well, if you can do that at the Department of Labor with all of the other things that will be coming your way.

For example, should we pass immigration reform, which I hope we will? You will be one of the prime implementers of that, and so on. If you can bring that approach, I think, the committee, on a bipartisan basis, would have great confidence in that.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. PEREZ. Thank you, Senator.

The CHAIRMAN. Thank you, Senator Mikulski.

In order now, that I have would be: Senator Isakson, Senator Murphy, Senator Scott, Senator Baldwin, Senator Roberts, Senator Sanders, Senator Burr, Senator Franken, and Senator Whitehouse. Senator Isakson.

#### STATEMENT OF SENATOR ISAKSON

Senator ISAKSON. Thank you, Mr. Chairman.

Mr. Perez, thank you for today and thank you for our meeting a couple of days ago.

Mr. PEREZ. Thank you, Senator. I very much enjoyed it.

Senator ISAKSON. I want to go back to the St. Paul issue because it's been said that that is an issue when you were at DOJ. You are now talking about being Secretary of Labor to kind of dismiss the value of that decision or people's opinions of that decision that you made one way or another.

But I want to point out, Senator Murray and I, and I think now Senator Casey and I, Casey is the chairman, I am the ranking member of the committee that oversees OSHA, MSHA, community safety, Chemical Safety Board, and all the enforcement agencies over business and the people that comply by rules of the Government. So it is very important to understand the theory about which you might apply to the administration of those laws.

So I want to ask you a couple of questions. I want to read a quote that was in this morning's *"Wall Street Journal"* and, first of all, make sure it is an accurate quote and give you a chance to tell me that. And the quote is,

"I was concerned because I thought that the Wagner was an undesirable factual context in which to consider disparate impact. And because bad facts make bad law, this could've resulted in a decision that undermined our ability and the city



of St. Paul's ability to protect victims of housing and lending discrimination."

Is that an accurate quote?

Mr. PEREZ. Yes, sir. It is.

Senator ISAKSON. OK. You have indicated disparate impact is a theory.

Is that correct?

Mr. PEREZ. Disparate impact is both a theory that has been accepted by every circuit in the country that's ruled on it, and every circuit but one has done so.

And disparate impact is a theory that helps, for instance, the 80-year-old woman from Baltimore City who had a 714 credit rating and impeccable credit credentials who was steered into a subprime product and unnecessarily so. Disparate impact is about helping real people like that 80-year-old African-American from Baltimore City.

Senator ISAKSON. Don't run the clock on me, because I wanted to finish.

Mr. PEREZ. No, I didn't mean to, sir.

Senator ISAKSON. OK. Is a fact an absolute?

Mr. PEREZ. I'm not sure I understand your question.

Senator ISAKSON. Is a fact an absolute? I mean, when somebody states a fact and you determine the fact is correct, is that an absolute? Disparate impact is an accepted theory. Is a fact an accepted truth?

Mr. PEREZ. Again, you apply the facts to the law in any case that you would have. And so whether disparate impact applies will depend on the application of the facts to the case.

In the *Magner* case, for instance, I didn't think disparate impact applied because they didn't meet the threshold requirements.

Senator ISAKSON. OK. My point is this, if you want to apply theory for enforcement either in the Civil Rights Division of the U.S. Department of Justice or as the Secretary of Labor, it is very important to understand from whence you come.

Because there are, for example, when MSHA goes in a mine in West Virginia, or a mine in Georgia, a service mine in Georgia, or a mine in the West, and they find one incremental violation and take it to apply to a theory to then bring the hammer down on a business that the facts don't think they should have happened. That is an overactive enforcement of regulatory law.

That's why this disparate impact, that's why this *Magner* case, that's why it is so important in St. Paul because it depends on—if you have a theory that you want to justify with facts, and you pick the facts to justify it, or don't determine you can find the facts to justify it, then that is not running a department, in my way of thinking, as a way it should be run.

And in this quote, where you said, "There was an undesirable factual context in which to consider disparate impact," that means the facts didn't support the theory in that case. And that is a subjective determination about how the facts would line up against a theory. And I think that is an overreach in terms of what a secretary of a department in the U.S. Department of Labor should do.

Mr. PEREZ. Senator, if confirmed, I will apply the facts to the law.

In the Magner case, my assessment and the Department's assessment is that applying the facts to the law, they weren't entitled to the protections of disparate impact.

In the Mine Safety and Occupational Safety and Health, you have my word that if confirmed, we will conduct fair analyses. We will conduct fair investigations and we will listen and learn from all the stakeholders throughout those investigations.

Senator ISAKSON. Very quickly before I run out of time, you said the President told you, and you acknowledge in your testimony, that the most important thing is jobs for Americans.

Is that correct?

Mr. PEREZ. Jobs is a top priority for this Nation.

Senator ISAKSON. And empowering the middle class, correct?

Mr. PEREZ. Yes, sir.

Senator ISAKSON. And we have already talked about this in our private meeting; I want to just make it public because this is such an important issue with me.

The previous Department of Labor, under which you were not working, tried to bring forth a fiduciary rule which, if it had been implemented, would severely have impacted the ability for a middle-class American to seek out and get advice on saving for their future, planning for their own retirement. You and I talked about this in our meeting.

I want you, in this meeting, to tell me that you will do everything you can to not perpetrate a rule regarding investment in savings and retirement on employees that would restrict the right for an average American, a middle-class American, to get objective advice because of the termination of a fiduciary rule that changes and drives those people out of business.

Mr. PEREZ. I remember our conversation, Senator, and I think we have a shared interest in ensuring retirement security. And I mentioned to you, and I've had this conversation with others, that if confirmed, I certainly want to listen and learn more about the concerns.

And by the way, there have been concerns that have been expressed by Republicans and Democrats alike, and I look forward to listening and learning, if confirmed, from you and others about the particulars, because we want to make sure that we hear all the voices, and do our best to appreciate that.

Senator ISAKSON. Thank you.

My time is up, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Isakson.

Senator Murphy.

#### STATEMENT OF SENATOR MURPHY

Senator MURPHY. Thank you very much, Mr. Chairman.

Mr. PEREZ. Good morning, Senator.

Senator MURPHY. Good afternoon. Good morning. I thought you were an extremely well-qualified nominee to begin with before this hearing, but as the proud husband of a Legal Aid lawyer, I have new reason to admire your service and your family's service. My wife's work surrounds standing up for the civil rights of disabled children in school systems, and so I particularly appreciate the work of the Division on Educational Rights.

It is perfectly within the realm of the duties of the Attorney General's Office to try to make sure the Supreme Court has the right case before it to decide a controversial issue.

I would just like to put into the record something that Senator Harkin referenced, which was your correspondence with the Civil Rights Division's ethics officer in which you very plainly said a question and very plainly got a response back.

The response back that you received was,

"You asked me whether there was an ethics concern with your involvement in settling a Fair Lending Act challenge in St. Paul that would include an agreement by the Government not to interfere in a False Claims Act involving St. Paul. Having reviewed the standards of ethical conduct and related sources, there is no ethics rule implicated by the situation and therefore no prohibition against your proposed course of action."

I would like this in the record.

Now I would like to get back to what we really should be talking about here which, as Senator Mikulski said, is job creation. That's why you are here. It is to help our constituents get back to work, and I would hope that that would be the focus of this hearing.

So I want to talk about what I consider to be one of the most important programs that you are going to be overseeing, one that's had a little bit of trouble recently, and one that you will be charged with getting back on its feet, and that is the Job Corps program.

The Job Corps program is one of the most successful programs of the agency. It takes kids off the streets who are in dire circumstances, gets them into a program that gets them a GED, gets them job skills. And the program that we run in Hartford gets nearly two-thirds of those kids back employed in the workforce. It's run into some trouble recently.

I wanted to pose the question to you to understand your commitment to that program, and your commitment to making sure that we don't have any more situations as we have had with these programs, in which we have to do enrollment freezes, and keep kids out of a program that has been transformational to the lives of a lot of the most at-risk kids in our communities.

Mr. PEREZ. I totally agree, Senator, that the program has been transformational across this country. And I further agree that the Department of Labor can, must, and will do better.

The issues that came up, and I've had this discussion in almost all of my meetings with Senators about this Job Corps issue. I have said to everyone that you have my absolute commitment, that if confirmed, making sure the Job Corps is firing on all cylinders will be a top priority.

There are three things that need to be done: accountability, making sure we have accountability for systems in place. Procurement, making sure that when the procurement systems are in place, that they are working effectively.

Then also, making sure we're measuring outcomes. We don't simply want to measure the number of people that have gone through the program. We want to measure what the program has done for them, and we want to do that effectively so that we can demonstrate that the taxpayer is getting a return on investment.

Senator MURPHY. I appreciate that. You've got clear measurements here that we can monitor. We know exactly how many kids get job placements. We know exactly how many get certificates or degrees. And so as stewards of the taxpayer dollar, we certainly appreciate that that will be a big part of your advocacy.

I hope that just for the last remaining minute, you could talk a little bit more about the work that you did in Maryland to try to essentially connect employers with the job skills that they need. I think we have done a particularly bad job of that in this country.

I talk to factories over, and over, and over again in Connecticut who tell me that they continue to have job openings, but can't find anybody to do it.

We seem to just have a fundamental disconnect between the training institutions, our institutions of higher education, and especially a lot of the smaller and medium-sized employers. Big employers do maybe get in and run a training program, but the small- and medium-sized employers, the small factories that make up the industrial belt of Connecticut have a hard time getting the workers that they need.

From their perspective, can you talk a little bit about how we can make sure that those smaller guys have the training programs in the communities that they need?

Mr. PEREZ. Right. I totally agree. We can and must do better in terms of building a workforce system that's agile, responsive to the needs of large employers and small employers alike, and that's what we tried to do in Maryland.

One of the biggest things we did was to combine adult education and workforce development. As you know, at a Federal level, the workforce development is run at DOL; adult education is run at the Department of Education. We found that to be unwieldy at a State level and so, we combined the forces because there's an overlap between the populations that you're serving.

And by bringing them together, we're better able to meet the needs of small- and medium-sized employers where we can ask them, "What do you need?" and then we can devise programs that are better suited to meeting those particular job demands.

Senator MURPHY. Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Murphy.

Senator Scott.

#### STATEMENT OF SENATOR SCOTT

Senator SCOTT. Thank you, sir.

Mr. PEREZ. Good morning, Senator. Thank you for meeting with me on such a busy day yesterday.

Senator SCOTT. Absolutely. Enjoyed it very much. We both served on county councils, so I know that we both—

Mr. PEREZ. Rubber hits the road.

Senator SCOTT [continuing]. Understand that we have to get things done.

I know that you said during our meeting that you would spend your first 100 days or so doing a listening tour, understanding that the No. 1 priority in our country is jobs, jobs, and jobs. That you would spend the first 100 days listening to those of us around the

table here, other Senators, Members of Congress, as well as people within your Department.

Do you plan to honor that commitment?

Mr. PEREZ. Absolutely, sir.

Senator SCOTT. Excellent. Thank you very much.

One of the things that I have heard said about you consistently here, which is really good news from a perspective that you are fair, and balanced, and open.

And I will tell you that my State has really experienced very little fairness, and openness, and a balanced approach from different agencies and departments within the Federal Government and that gives me reason to pause.

So, my questions are more about your management style and what we can expect out of you going forward because we have great concerns when we look back at things like the NLRB that we discussed yesterday. I understand that it's not in your—would not be in your purview, but you have had an impact on my State as well.

When we think about the case of the *NLRB v. Boeing*, one of the things that we did not experience as South Carolinians was an open environment, fairness, or anything that looked like a balanced approach to figuring out the direction of the NLRB.

It seemed to us that without any question, that the NLRB made a decision to eliminate, destroy, take away 6,000 jobs from our State. Without any question, they were willing to destroy a \$1 billion investment in South Carolina. And they were absolutely looking to pick winners and losers.

And there are two cases that come to mind from my perspective as a South Carolinian that I question your management style going forward that comes out of the Department of Justice. And it goes to the heart of what seemed to be a politically charged environment that seems to lead to cases and directions in the DOJ.

The Inspector General said, without any question highly critical, that the politically charged atmosphere and polarizing—with polarization within the voting section increases backlog request in voting section. And the dysfunctional management chain under your leadership also states that the voting sections handling the New Black Panther case under you risked undermining confidence in the non-ideological enforcement of the voting rights laws.

So what we experienced, of course, through those voting—voter's I.D. case was something that was akin to that management style that we find distasteful. It gives me great concern as I think of the comments of the Inspector General, as well as the experience that we've had.

Now, we all understand that South Carolina has been treated unfairly in many ways as it relates to the voting rights law. We look at the fact that in our delegation, when the case was brought against our voter I.D. law, that one-third, one-third of the congressional delegation of South Carolina were African-Americans, highest percentage in the country, I believe.

Their overall delegation today is still at 22 percent, the highest diversity, from an African-American perspective, in the country outside of Georgia, puts us No. 2.

What we experienced was in a place where 90 percent of African-American voters, 91.6 percent of white voters had valid I.D.'s al-

ready. That in nine other States where three States were pre-cleared; six did not have to go through the process that your Department decided to challenge our voter's case, voter's I.D. case.

We find that the cost to our State, \$3.5 million, we find that alarming as I look at your management style. It seems to have a political perspective, a political bias in the management style that seems not to be open, and not to be balanced, and certainly not to be fair.

As we went through the case, it seems that even at the end of the case when the ruling was in our favor as a State, only we had to spend \$3.5 million, but in January 2013, the DOJ shows up once again and even after losing that case, it seems like the political vitriol was so high that they decided to come to Branchville. You guys came to Branchville, SC, population 800 people.

And you spent thousands of dollars looking at the voting procedures as it relates to our voter I.D. law and without any question, we had already won the case. And yet even in spite of the victory we won in courts, the DOJ comes back to our State with a political bias from my perspective, to take a look at a very small 200-person turnout case.

My question is: is there, in fact, the ability to have a open, balanced, fair approach in the Department of Labor when, in fact, it seems like to me, it so consistently has been a politically charged environment in the Department of Justice?

Mr. PEREZ. Senator, I have always adopted a management style that is open, inclusive, that recruits the right people, gives them the authority to move forward, and applies the facts to the law in an evenhanded fashion. So I respectfully disagree with your characterization of what we have done.

I would note in connection with the New Black Panther Party matter that you referred, not one but two different entities, the Office of Professional Responsibility and the Office of the Inspector General—

Senator SCOTT. As to the voter's I.D. case, how would you look at the three States that were pre-cleared without any question? New Hampshire's law is very similar to ours.

Mr. PEREZ. Senator, we did pre-clear New Hampshire and we did pre-clear Virginia.

Senator SCOTT. But not ours.

Mr. PEREZ. Let me quote from the decision of the court in the South Carolina matter which—and this was an opinion written by Judge Bates an appointee of—

Senator SCOTT. The decision was, in fact, in the favor of South Carolina. So since we are out of time my only question to you is can we expect a more open, a more fair, and a more balanced approach from you as the head of the Department of Labor?

Mr. PEREZ. Sir, I believe that I have been always open and fair, and I will continue to do so, and I will—

Senator SCOTT. We would of course disagree with you—so we can or cannot expect a more open, fair, and balanced approach?

Mr. PEREZ. You will always have a person who has an open and balanced approach. And I will continue to apply the facts to the law, and I will continue to do so—

Senator SCOTT. If we can—we are out of time. So the fact of the matter is the facts of the law led to the conclusion that South Carolina's voter I.D. law was, in fact, legal. That our approach to that law was fine.

The fact that you came in afterwards in January 2013 to take a second look at something that had already been decided, but the fact of the matter the—that the statement that you had made.

The fact of the matter is that South Carolina has been a State on the fast track to creating racial parity, on the fast track to making sure that all of our citizens have an opportunity to participate in the process of voting. And I just want to make sure that your approach at the DOL will be one that is fair, open, and in fact, balanced.

Mr. PEREZ. And as the court managed to——

Senator SCOTT. My time. I am done. Thank you very much.

Mr. PEREZ. Senator, I just wanted to quote from the court opinion in the South Carolina case because the question was whether our actions there were appropriate.

This is the court opinion written by Judge Bates, an appointee of President George W. Bush who said,

“To State the obvious, the Act passed by South Carolina as now pre-cleared, is not the Act enacted in May 2011. It is understandable that the Attorney General of the United States would raise serious concerns about South Carolina's voter photo I.D. law as it then stood.”

That's not Tom Perez speaking. That's the opinion of the court in the voter I.D. case.

And there's every expectation after you reach an agreement that you will go and conduct monitoring. We do that in every case in which we reach an agreement, and that's why we were there in January.

Senator SCOTT. Mr. Perez, I am looking forward to having the opportunity to see a fair, balanced approach come to our State and that is one of the reasons why I took very seriously the Inspector General's comment as it relates to a politically charged atmosphere and polarization within the voting section.

Thank you.

Mr. PEREZ. Thank you for your time, sir. And again, thank you for meeting with me.

The CHAIRMAN. Senator Baldwin.

#### STATEMENT OF SENATOR BALDWIN

Senator BALDWIN. Thank you, Mr. Chairman and Ranking Member Alexander for holding this important hearing.

And thank you——

Mr. PEREZ. Thank you, Senator.

Senator BALDWIN [continuing]. Mr. Perez, for being here. I have to say, it was wonderful to hear about your youth in New York and your adulthood in Maryland. I have to say you got special extra credit points for a Wisconsin connection even if it's through marriage.

Mr. PEREZ. That's right. Got married in Milwaukee.

Senator BALDWIN. Yes, indeed. I also, in a serious vein, want to thank you for your public service for many years.

I believe that you will be a very strong advocate for workers. Not only have you been a strong advocate for a strong workforce, I have confidence in your ability to assist our country in its economic recovery.

We have heard a lot about it already this morning, the numerous experts from across the political spectrum who have stated that the workforce faces a large skills gap. And we certainly live in the 21st century, and we need to prepare our workforce for a 21st century economy.

So once confirmed, I look forward to working with you on these challenges to ensure that the Department of Labor is using all of its available resources to close those skills gap, and to lower the unemployment rate.

You've already entertained a couple of questions on the skills gap. I am not going to repeat those, but only note this to emphasize my very strong interest in this issue as it concerns my home State of Wisconsin.

A couple of questions for you, though. While our economy is continuing to recovery, one troubling spot is the stagnant wages in our country. According to a recent article in "*The New York Times*," wages have fallen to a record low as a share of America's Gross Domestic Product. Wages have been on the slide or stagnant since 2001.

I would say in my home State of Wisconsin over a similar time period, worker compensation in its totality has not even come close to keeping pace with the sizable increase in worker productivity.

What will you do to promote better wages for the American workforce?

Mr. PEREZ. That's a critically important question, and as I noted in my opening remarks, it's one of the critical questions that the President is asking every single day. How do we make sure that hard work, the dignity of work, pays off in a decent living?

The most important family value, I think, or one of the most important is the value of time with your family. And I have spent so much time with so many people working two, three jobs because they can't make ends meet.

The American Dream is always about making sure that the next generation does better than the preceding generation. And the ladder of opportunity, the rungs are seeming further and further between for all too many people trying to climb that ladder of opportunity.

That's why I think we need to come back to the demand-driven, agile approach that is really, got to be the linchpin of a workforce development strategy. Understanding what we need. Understanding what the business community, who are the job creators, need; understanding the specific challenges confronting workers.

In Washington State, when I was meeting with Senator Murray, we were talking about a very innovative program there that brings together both adult basic education training along with the workforce training. So that by the end of the program, you've developed those basic skills, but you've also developed the specific skills necessary to be a phlebotomist, or whatever that job is.



The more that we can develop those agile systems that are truly responsive to employer needs, and worker demands, the better we can do.

Senator BALDWIN. Thank you. I was just visiting northern Wisconsin Technical College, Nicolet College, that is doing that same embedding of the basic skills——

Mr. PEREZ. Right.

Senator BALDWIN [continuing]. In their training, workforce training. I have limited time left.

I want to have you address the growing unemployment problem for persons with disabilities. I think it's extremely important to make sure we're doing all we can to support all Americans including those who have a disability.

Can you tell me a little bit about how, under your leadership, the Department of Labor would work to decrease unemployment for persons with disabilities?

Mr. PEREZ. I so appreciate that question because we have spent so much time in this job and when I was with the State of Maryland increasing opportunities for people with disabilities. And I know Chairman Harkin, this is in his DNA as much as anyone across this country.

I was the lunch speaker at an event recently in Maryland sponsored by the Maryland Chamber that was honoring employers who are doing so much work in the disability context. Much of this is understanding the needs of people with disabilities, and I think we can do much more.

How many people do you meet who say, "I want to be a taxpayer. I want to pay more taxes." Part of the challenge is making sure that we understand some of the barriers: transportation.

For instance, there are a number of employers in Maryland who enable people to work from home. Well, why not hire somebody with a disability? You can save the commuting time and you will find that you have a remarkable employee.

There are so many. We are doing a number of cases right now working with States to ensure that people with disabilities can get jobs that pay a decent wage. We're working with the State of Oregon, for instance, on this issue. We're working with another State on this issue.

I think the Department of Labor and the Department of Justice can be critical players. But the Department of Health and Human Services has to be at the table because we want to make sure, for instance, that if they are on Medicaid or some other form of benefit that enables them to get health insurance, that getting a job isn't a Pyrrhic victory. You get your job, but you lose your health care.

That's why we need to bring everybody around who has skin in the game in the Government to the table. I think we can do it, but the unemployment rate for people with disabilities is unacceptably high, and unnecessarily so.

Senator BALDWIN. Thank you.

The CHAIRMAN. I certainly agree with that. In our next round, I will have a certain question about that.

Senator Roberts.

Mr. PEREZ. Good morning, sir.

## STATEMENT OF SENATOR ROBERTS

Senator ROBERTS. Good morning. How are you, Tom?

Mr. PEREZ. I'm doing very well, Senator. Thank you for your courtesy.

Senator ROBERTS. Tell your son to stay loose at the plate and choke off on the bat.

Mr. PEREZ. Thank you. He had three triples his first game.

Senator ROBERTS. That's good advice for you too, sir, if you are confirmed Secretary of Labor.

You have indicated the President's comment and you agree with this philosophy, how do we make America a magnet for jobs? How do we equip our people with the skills they need to succeed in those jobs? And how do we ensure an honest day's work leads to a decent living? It is the "we" part of it that causes me some concern, not a lot of concern, but some concern.

I suggest with some temerity that every American should have the opportunity and freedom to climb the ladder of success to achieve the American Dream; their American Dream. And nothing manmade or Government-made will stand in their way. It is the Government that I am worried about in terms of over-regulation, regulations that don't make sense.

Regulations that the President has indicated in his Executive order 13563 and he said,

"A review of regs currently on the books to determine if they are obsolete, and necessary, and justified, excessively burdensome, counterproductive, or duplicative of other Federal programs."

And the President said, "Some of them are just plain dumb."

I had a very good conversation with the President last week. He indicated that he thought every agency was doing just that. My understanding is that the Department that you expect to head or hope to head has put forth a plan—they needed to put forth a plan 2 years ago, because this was a 2011 Executive order—but to put forth a plan to comply with the Executive order.

How do you propose to ensure compliance with this Executive order? I think the obvious answer is just to say, "Yes, I will comply with it," and we can get onto other things, but.

Mr. PEREZ. Yes, I will comply with it.

Senator ROBERTS. Thank you.

Mr. PEREZ. And I will do so by listening to you and others to hear your specific—

Senator ROBERTS. Do you know any regulation on the books within the Department of Labor that would fit this description? Or do you think that every regulation that the Department has issued to date and that you are proposing, is fine and dandy?

Mr. PEREZ. I would want to take a very careful look and I take the Executive order seriously.

Senator ROBERTS. Good. That's the answer I want. I want you to take a very careful look. And the reason I want to have you take a careful look, after an awful lot of letters from those who are privileged to represent farmers and ranchers, both House and Senate. Thousands of public comments from farm families when we could have a comment period in regard to a regulation, as opposed to an

interim final rule, or an Executive order, or sub-regulatory guidance, all of which have led to the deluge of regulations that are causing problems out there in America, and that affects jobs big time.

But we wrote a lot of letters and a lot of folks in rural communities wrote a lot of letters, Youth in Agriculture, Educational Leadership, folks like the 4-H, and the FFA. The Department of Labor finally went through the proposed rule on so-called child labor regulations with the promise that such a far-reaching rule would not be pursued for the duration of this administration.

Should you be confirmed through the Senate, do you plan to uphold that promise? And the answer is yes.

Mr. PEREZ. I look forward, certainly, to learning more about that issue. I have been just getting up to speed on that, and I would certainly honor——

Senator ROBERTS. Well, now——

Mr. PEREZ [continuing]. Whatever commitments have been made previously.

Senator ROBERTS [continuing]. We have just gone through a whole situation with the Senator from South Carolina. All I need is a yes——

Mr. PEREZ. OK.

Senator ROBERTS [continuing]. As a promise that would not——

Mr. PEREZ. Sir——

Senator ROBERTS [continuing]. Put forth this Katrina of regulations in regards to agriculture.

Mr. PEREZ. Senator, just to be clear, it's my understanding that DOL withdrew the rule and it's my further understanding that there is no intention to pursue the rule.

Senator ROBERTS. Right. Good answer. Let me just say that the traditional regulatory process described in the Administrative Procedure Act, and statute, and Executive order, calls for notice comment 60 days before any of these regulations are put out.

But as I have indicated, we are now into a new world of sub-regulatory guidance. Agency after agency goes through things where you have to get on their Web site, and then you have an e-mail, or a bulletin, or FAQ's, Frequently Asked Questions.

Mr. PEREZ. Asked questions.

Senator ROBERTS. I love that acronym. And then the aggrieved party, be it a small business, be it in agriculture, be it in health care, now I could just go down the line. They are not even aware of it.

I am very hopeful if approved, you will commit to ensuring that this traditional 60 days? And then if something is wrong and somebody suggest to you that we can tweak this, we can change it, or maybe even get rid of it, that they will have another 60 days to comment.

So we have this transparency and we have the opportunity for people to comment on any regulation that you would propose.

Mr. PEREZ. I'm a strong believer in transparency and you certainly have my commitment, if confirmed, that we will follow all of the protocols so that we can ensure that every voice is heard in a reasonable way.

Senator ROBERTS. Thank you, Mr. Perez. Thank you.

The CHAIRMAN. Thank you, Senator.

I want to inform Senators, there are two votes starting at noon, they are both 10 minute votes. One of them is the amendment that Senator Alexander and I have, but if we each take 5 minutes, we will run 5 minutes over. So I hate to say this, but I am going to try to keep people to 5 minutes.

Senator Sanders is next.

#### STATEMENT OF SENATOR SANDERS

Senator SANDERS. Thank you very much, Mr. Chairman, and welcome——

Mr. PEREZ. Good morning, sir.

Senator SANDERS [continuing]. Mr. Perez. Let me just start off. I want to get to the work that we hope that you will be doing as Secretary of Labor.

But getting back to the Civil Rights Division, there has been some suggestion that you have not done your job in bringing revenue into the Federal Government. That you may have quote-unquote “lost” the Government some \$200 million.

My understanding that in terms of the disparate impact theory, you have brought in many, many hundreds of millions of dollars to the Federal Government from companies like Countrywide, or Wells Fargo who have, in fact, discriminated against African-Americans and Hispanics.

Can you talk a little bit about the money that the Civil Rights Division has, in fact, brought in, in the combat—as we combat racial discrimination?

Mr. PEREZ. The money that we’ve recovered, and we recovered more money in 2012 in the fair lending context under the Fair Housing Act than in the previous 23 years combined. That money goes to victims and communities directly.

Similarly, Senator, and I know you care deeply about this as chair of the Veteran’s Committee, we have done more work on behalf of service members than ever before. We’ve recovered over \$50 million on behalf of service members who were wrongfully foreclosed.

They’re deployed in Iraq. They sustain an injury, and meanwhile at home, they’ve been wrongfully foreclosed on. So we’ve recovered more than \$50 million going directly to the service member.

Senator SANDERS. Thank you very much for that. But in other words, you have been aggressive in protecting the citizens of our country in terms of justice and fair remuneration.

Mr. PEREZ. I believe we’ve been fair and aggressive.

Senator SANDERS. Let me ask you another question, which doesn’t get a lot of attention. One of the least sexy divisions of the Department of Labor is the Bureau of Labor Statistics.

Now, why is that important? It is an important division because we cannot do our job unless we have a good, factual understanding of, in fact, the State of the economy among other things.

If you go to the front pages of newspapers today, they will tell us that unemployment is 7.6 percent. On the other hand, within the Department of Labor, you have another index called the U6, which tells us that if you look at people who have given up looking for work and people who are working part-time when they want to

work full-time, real unemployment today is somewhere around 13.8 percent, which puts us at a very different situation: 7.6 is bad, 13.8 is horrendous. It might lead us to take some more bolder action in terms of job creation.

Why in your judgment and what can you do about putting more emphasis into the U6 definition of unemployment rather than what we currently use?

Mr. PEREZ. Unemployment is unacceptably high regardless of what metric you use, and we need to take every step possible to address that.

In addition, Senator, the number of people, labor force participation is at one of the lowest levels. That's another important statistic that—

Senator SANDERS. Right.

Mr. PEREZ [continuing]. And we want to look at all of them and figure out an effective strategy.

Senator SANDERS. Which the current metric does not take into consideration. I mean, would you agree with me that 7.6 unemployment is a conservative statement of unemployment in America?

Mr. PEREZ. 7.6 percent doesn't take into account discouraged workers, for instance.

Senator SANDERS. Right.

Mr. PEREZ. So in that sense it understates the unemployment rate, which is why we have to make sure that we work for everyone.

Senator SANDERS. We all believe in creating jobs, but I also want to make sure that the American people have a sense of the reality of the economy.

Could you pledge to me that you will work with me and others to make sure that the information that comes out of the Department of Labor, in fact, more truly indicates the State of the economy?

Mr. PEREZ. I look forward to working with you and everyone on the committee, if confirmed, to talk, tell the story of what's happening, and to work collaboratively to identify solutions.

Senator SANDERS. All right. Very briefly, I think from Maryland, you are familiar with a concept called the Genuine Progress Indicator, GPI.

Mr. PEREZ. Yes.

Senator SANDERS. Does it ring a bell?

Mr. PEREZ. Yes.

Senator SANDERS. One of the concerns that I have is when we talk about GDP, Gross Domestic Product, people say, "Well, we have to get it up." Yes, I guess we do, but it really doesn't mean much for the average person if all of the new income goes to the people on top.

Over a recent 3-year period, 100 percent of all new income went to the top 1 percent; the bottom 99 percent got nothing.

Will you work with me under the concept of a Genuine Progress Indicator which tries to measure how the economy is, in fact, doing for the average person dealing with real wages, dealing with distribution of wealth and income?

I think we need more information from the BLS so that we can, as policymakers and the American people, get a real understanding

of what is going on in the economy, so we can come up with policy to address the problems.

Does the concept of the Genuine Progress Indicator passed in Maryland and in Vermont interest you, something you want to work with me on?

Mr. PEREZ. I look forward to working with you, Senator.

Senator SANDERS. All right. Thank you.

The CHAIRMAN. Senator Burr.

Mr. PEREZ. Good morning, sir. Thank you for meeting with me yesterday.

#### STATEMENT OF SENATOR BURR

Senator BURR. Thank you. I welcome you, and I welcome your family, and encourage your son: do not take batting tips from Senator Roberts.

[Laughter.]

But you could probably look at him and tell that.

As we discussed yesterday, I told you I am going to go a little bit historical and I will go a little bit forward. So permit me, if I can.

Mr. Perez, there have been some reviews of the e-mails that you sent out of the Justice Department. I am not here to discuss whether they happened in personal accounts or in official accounts. But let me read two incidents to you and then get you to comment.

In one e-mail, a reporter from "*The New York Times*" asked you about how he should advise his colleagues as to when the Department would announce a consent decree with the city of New Orleans, LA.

You responded, and I quote from that e-mail, "I would advise him to be there by noon on Tuesday. I would further advise him to give me a call if he wants. Attorney General will be there to make announcements." The announcement was made by Secretary Holder on that day, the 24th of July.

In another e-mail to the same "*New York Times*" reporter about the settlement, the Department settlement with the Countrywide Financial Corporation in December 2011, you again appeared to provide nonpublic information.

The e-mail said, "Just closed deal 15 minutes ago. Will announce tomorrow at 3 p.m." This is to a "*New York Times*" reporter and, again, I am not trying to distinguish between personal e-mails and official e-mails. There is a reason that most things are operated through official e-mail.

But is it appropriate and ethical to release nonpublic information, especially when that information could move equity markets?

Mr. PEREZ. Senator, I'd need to look at the whole context of the e-mails that you're referring to. In connection with both those cases, we reached agreements. We announced those agreements in a very transparent way, and those agreements—

Senator BURR. The quotes that I have—

Mr. PEREZ [continuing]. Were good agreements.

Senator BURR [continuing]. The quotes that I have given you, and I am primarily focused on the second one, was there had been no public release of the decision. And you made a release to a "*New York Times*" reporter of a decision where the public statement

would be at 3 p.m. the next day on Countrywide Financial, which, as we know, could have an impact on Bank of America, since they were the owner, of the price of equities.

Mr. PEREZ. Senator——

Senator BURR. Is that appropriate and is it ethical?

Mr. PEREZ. Again, my recollection of that situation, and I don't have all the e-mails in front of me that you reference, and there are many of them, is that there was—there was efforts by the press office to announce generally that the public announcement——

Senator BURR. Do you regularly share——

Mr. PEREZ [continuing]. Was going to occur the next day, so.

Senator BURR [continuing]. Do you regularly share nonpublic information with reporters?

Mr. PEREZ. I don't believe, sir, that that was nonpublic information is what I'm saying is that the notice had gone out——

Senator BURR. Your own, your own e-mail said, "Will announce tomorrow, 3 o'clock."

Mr. PEREZ. Right. And, and as you know, media advisories often go out the day before, and my recollection, if I'm correct, is that that was 4 days before Christmas and so——

Senator BURR. I'll ask you to look——

Mr. PEREZ. OK.

Senator BURR [continuing]. I will ask you to look back at that and——

Mr. PEREZ. I'd be happy to look back at it——

Senator BURR. All right.

Mr. PEREZ [continuing]. But my recollection is that the press people had been sending out notice to folks that there was going to be this announcement the next day.

Senator BURR. Mr. Perez, the recent cliff extension of additional Federal unemployment benefits included a provision that was referred to a clause of non-reduction, and it forbids States from making certain benefit modifications to their plans.

Does the non-reduction clause, in fact, cause a benefit reduction should a State modify its plan?

Mr. PEREZ. Senator, my understanding is that, if I think I understand the context, is that as a result of changes that were made in the North Carolina legislature to the provision of unemployment benefits, that triggered the provisions that you referred to.

Senator BURR. Right.

Mr. PEREZ. And it's my understanding from talking to folks at the Department of Labor that the Department had no choice in making that decision because that's what the——

Senator BURR [continuing]. You're exactly right. The Secretary at the time sat there and said, "We have no flexibility."

Yet in the Middle Class Tax Relief and Jobs Act of 2012 we, in fact, gave flexibility for a short period of time and closed the window. So some States got waivers, some States didn't get waivers.

My question is very clear. One, is it fair? And two, doesn't the clause non-reduction mean that if a State modifies in any way, shape, or form their plan, they actually lose everything that was participated, so the effects of it is that the individuals lose their benefits?

Mr. PEREZ. Again, Senator, my understanding is that it was the Department's conclusion that they had no flexibility there. I would certainly look forward—

Senator BURR. Would you like flexibility for the non-reduction clause?

Mr. PEREZ. Again, I spent time in a disability case working with the North Carolina legislature that we talked about. And I certainly would look forward to meeting with you and with them to perhaps persuade them that if their laws were changed that perhaps there might be a different impact on what's happening at a Federal level.

Senator BURR. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Franken.

#### STATEMENT OF SENATOR FRANKEN

Senator FRANKEN. Thank you, Mr. Chairman.

First, I want to thank you, Mr. Perez for your public service.

Mr. PEREZ. Thank you, Senator.

Senator FRANKEN. You have dedicated your life to making people's lives better. Under your leadership at the Civil Rights Division, thousands of individuals with disabilities are now receiving services. And the rights of our service members and veterans are better protected when they return home.

In Maryland, when we had our discussion, we talked about reauthorizing. We talked about workforce boards. We talked about bringing 2-year colleges, community colleges and technical colleges together with business, and with labor, and with workforce boards. I am very impressed by your work improving Maryland's job training programs.

Last year, the committee heard testimony from public-private partnerships that were successful. We had four workforce boards who were the 2-year colleges, technical and community colleges that worked with local industries.

I recently heard from one of these partnerships at a roundtable in Minnesota—this is what we are doing in Minnesota now—was a roundtable in Rochester, MN. They are developing a program called CTEC, which will serve as a hands-on learning center for K-12, community colleges, and Doug Community College in Rochester, and State university students to learn the skills needed by in-demand industries, to fill these skills gap that we talked about.

What did you do to successfully engage the business community in Maryland? What can the Labor Department do to encourage more successful public-private partnership?

Mr. PEREZ. We engaged in sector strategy, sir. We brought together, for instance, the manufacturing sector, the hospitality sectors, the health care sector, the biotech sector. We would bring in the manufacturing sector, for instance, large employers, medium-sized employers, smaller employers.

We would bring them together with community colleges, other key stakeholders because as you correctly identify, most of the jobs we're talking about are these middle skill jobs, high school-plus, a certificate program.



And we're able to come up with a very good assessment of what is the demand, because we need—we can't train and pray. You know, you don't do a training program and pray that there's a job out there for the skill you now have. You should only train for programs that you know are going to produce a job. That should be the goal.

We engaged the business community in that way and so we could come up with those plans, and we could build and align an integrated system that worked.

Senator FRANKEN. I could use all my time to talk about that, and I would love to, and I enjoyed our conversation about that because I think it is so important.

But I want to move on to these Taft-Hartley health plans, which is, these are health plans that have been negotiated by unions with multiple employers. I had one of those when I was in the Writer's Guild. We writers work with multiple employers and they have been an important part of our Nation's model of employer-sponsored health insurance.

They are particularly important because they allow workers who move frequently from one employer to another each year, such as in construction and mining and service industries, they allow these workers to have continuous supportable coverage for themselves and their families.

The ACA, the health reform law, will help many small businesses to better afford insurance for their employees. But as we implement this law, we must take into account what is already working, and these Taft-Hartley plans are working. I have repeatedly asked this administration to work with unions in Minnesota to protect Taft-Hartley plans through the implementation of health reform.

If confirmed, how would you work with unions and with your colleagues in the Department of Health and Human Services, and Treasury to protect the working families who depend on Taft-Hartley plans for affordable, continuous health insurance?

Mr. PEREZ. Senator, I would welcome the opportunity if confirmed to work with you to travel to Minnesota to understand the issues firsthand.

A good friend of mine now runs the workforce system in Minnesota, so we could double dip and have the discussions about workforce.

But this issue, I have heard a number of times, and I appreciate the importance of it, and I look forward to learning more about it, so that we can find a way to make sure that we address the concerns that you've outlined.

Senator FRANKEN. Thank you so much.

Mr. Chairman.

The CHAIRMAN. Thank you, Senator Franken.

Senator Murkowski.

#### STATEMENT OF SENATOR MURKOWSKI

Senator MURKOWSKI. Thank you, Mr. Chairman.

Mr. PEREZ. Good morning, Senator.

Senator MURKOWSKI. Good morning, welcome.

Mr. PEREZ. Thank you for meeting with me the other day.

Senator MURKOWSKI. Thank you. I appreciated the conversation.

I understand that prior to my arrival here, you responded to a question from Senator Murphy as it related to the Job Corps program.

Mr. PEREZ. I did.

Senator MURKOWSKI. We discussed it briefly in my office, and I understand that you intend to kind of report back as to the status of the Job Corps program, and how we are going to deal with this.

I think I pointed out that we have seen some great benefits in the State of Alaska. I've got some issues. We currently have a wait list of about 300 at our local Job Corps center. I want to figure out how we're going to deal with the wait list.

I also understand that in the recently released budget, the President's budget increases administrative expenses for Federal staff salaries while reducing the operation expenses for the Federal contractors who actually operate the Job Corps. I am concerned about that aspect of it. So I would like you to, as you are reporting back, address that as well.

And then a final thing on Job Corps is the definition of homeless, because within the Job Corps, the program provides opportunities for our homeless teens. And it is my understanding that the definition includes students that are living in uninhabitable conditions or staying in a shelter.

This, we found in Alaska, is very limiting in terms of how we define. It may not be that you are living in a shelter. It may not be that the teen is in an "uninhabitable" situation. But I would like to have you look at that definition so that it is not so narrowly defined.

We had a situation in Alaska where it was the definition alone that really prevented the Corps from assisting a homeless teen who just kind of fell in between the cracks there. And I think that we can, perhaps, improve on that. So I would ask you to look at that as well when you are looking at the Job Corps issues as a whole.

I wanted to ask you this morning about the H-2B visa program. As I mentioned, this is an important program in the State of Alaska. It is one way that we are able to address the needs of our seafood processors, a very seasonal business, a very intense season there. And we need some help addressing it.

I have had some concerns regarding the impact of the recent Federal rulings on the Department of Labor to continue to process the H-2B visas. These processing companies really need some quick action by the Department to ensure that as this upcoming season approaches that they are able to respond.

It is my understanding that the Department has indicated that it will proceed with issuing the labor certifications for a small number of employers including those that are using the private surveys, private wage surveys.

But my question to you, I guess, my hope or the assurance that you are going to give me is that you will commit that the Department will continue to move ahead expeditiously. We need fast action here with the processing of these H-2B visas.

Mr. PEREZ. Senator, as to the second question on H-2B, you certainly have my commitment that we will work as expeditiously as

possible, if confirmed. Every year, I would have conversations, when I was Labor Secretary, with Senator Mikulski——

Senator MURKOWSKI. Right.

Mr. PEREZ [continuing]. And Senator Cardin.

Senator MURKOWSKI. Same situation.

Mr. PEREZ. Same situation, and so I am very familiar with the situation, and I recognize that justice delayed can often be justice denied. And so, you certainly have my commitment.

As to Job Corps, I have a vivid memory of our conversation and the importance of Job Corps in Alaska, and failure is not an option. And you have my commitment that we will address the issues of accountability. We will address the issues of making sure that procurement systems are working. And equally importantly, we will address the issue of outcomes, making sure that people are not only trained, but are able to succeed after they're trained.

Senator MURKOWSKI. Appreciate that.

And then just a reference to the wage rule, following the promulgation of the rule in 2011 about the increased labor costs for employers that utilize the H-2B's, as a wage rule methodology, and then there is this comprehensive rule. The wage rule was supposed to go into effect in fiscal year 2012, the comprehensive rule in fiscal year 2013.

Mr. PEREZ. Right.

Senator MURKOWSKI. We have had a bipartisan group of Senators that supported the language in the Appropriations bill to delay that wage rule. A bipartisan group supported an across the board freeze of both rules for industries.

So the question to you is whether or not you will respect the bipartisan congressional concerns that have been expressed in both the Appropriations bill as well as the letter that has been out there?

Mr. PEREZ. Yes, Senator, I certainly look forward to working with you on that, and making sure that we're consistent with all of the commitments that we've made.

Senator MURKOWSKI. Appreciate it.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

The vote, they told us they would hold the vote open until 12:20. If we each take 5 minutes, we can gavel it by 12:10, which would be the chair's intent.

Now we will go to Senator Whitehouse, Senator Hatch, Senator Murray, Senator Hagen.

Senator Whitehouse.

#### STATEMENT OF SENATOR WHITEHOUSE

Senator WHITEHOUSE. Welcome, Mr. Perez, and thank you for your willingness to continue your service.

I am a fellow veteran of the Department of Justice, and so I am keenly aware of the mess that you inherited in the Judiciary Committee—we got a pretty unfortunate look at; just to sort of recap some of the points.

An earlier I.G. inspection found, and I quote, “numerous career voting section employees engaged in highly inappropriate and hostile conduct toward other career section employees.”

Another I.G. report noted that the then-predecessor of yours, Mr. Schlozman,

“Favored applicants with conservative political or ideological affiliations and disfavored applicants with civil rights or human rights experience, whom he considered to be overly liberal.”

The report showed that he refused to even show his section chiefs the resumes. He would filter them for conservative credentials before they were reviewed.

He referred to one of the attorneys in the appellate section as, “A Democrat in hiding.” Who is, “Not going to hide in my appellate section,” and was resultantly transferred.

On another case, unsettling discrepancies in the resume of an applicant were overlooked because the resume showed membership in the Federalist Society and the Republican National Lawyers Association. That lawyer lasted less than a year before having to be warned that poor performance was going to require removal.

And ultimately, that predecessor of yours was described by the Inspector General as having made false statements to Congress. So it was about as rancid a place as you could imagine back then.

You have come in. The I.G. has taken a second look. The I.G. has found no evidence of biased enforcement of voting rights laws, politically based hiring, or politicized FOIA responses. Reviewed the decisions of the division and section leadership, and particularly in controversial cases, and said that it,

“Did not substantiate claims of political or racial bias, reviewed thousands of internal Civil Rights Division documents that did not reveal that the Civil Rights Division staff allowed political or ideological bias to influence the hiring decisions.”

That is quite a turn around.

How did you pull that off? It is so important for the people of the United States to have confidence that the Department of Justice is not affected by that kind of partisan poison that you inherited. And you seem to have solved that problem.

Mr. PEREZ. Senator, when I entered the Department of Justice first time, Ronald Reagan was President and Attorney General Meese was in charge. That was 1985 or 1986.

When I entered as a career person in 1989, President George Herbert Walker Bush was in charge, and John Dunn was the Assistant Attorney General.

I am just as proud of the work I did under the Republican administrations as I was in the Democratic administrations. There are time-honored traditions, as you well know having worked at the Department, of nonpartisan leadership. Of making sure that everybody's voice is heard. Of making sure that hiring is career-driven and merit-based. I learned those lessons from Republicans and Democrats. I had the privilege of implementing those lessons.

So, when I came back, I had a clear direction and sense of where we needed to go, and I believe that we have gone in that direction.

Senator WHITEHOUSE. Well, congratulations. I think that is impressive management and leadership in difficult circumstances.

The other point I would want to make, there has been a suggestion made that you overlooked a case called the Newell case and refused to support it, and might have cost the U.S. taxpayer as much as \$200 million in making that decision.

You responded by saying that the expert on that type of matter in the Department actually reviewed that particular case, and I think your language was that he had an immediate and visceral reaction. That it was not a winning case.

My understanding is that his language was, "This case sucks."

Mr. PEREZ. My 10-year-old is here, so I attempted to use different language, Senator.

[Laughter.]

Mr. WHITEHOUSE. Sorry, to be a bad influence.

Mr. PEREZ. That's the first time he's heard that word, Senator.

[Laughter.]

Mr. WHITEHOUSE. I'm sure. I'm sure. So that was the professional judgment of the experts in the Department.

And do we not know, in fact, what the outcome of the case was? Did it not go forward just without the Department of Justice? And was the result in that case not one that vindicated that lawyer's judgment? In fact, it was a loss for the plaintiff?

Mr. PEREZ. That is correct, sir. And it's my understanding that the relater has filed other cases and all of those cases have been dismissed as well.

Senator WHITEHOUSE. And so it was a lost case. It wasn't going to raise \$200 million for the Government, was it?

Mr. PEREZ. Right. As I said in my testimony, the value of a lost case is zero.

Senator WHITEHOUSE. Is zero.

Thank you.

The CHAIRMAN. Thank you, Senator.

And now, to the longest serving member of this committee, and former chairman of this committee, Senator Hatch.

#### STATEMENT OF SENATOR HATCH

Senator HATCH. Thank you.

Mr. PEREZ. Good morning, Senator.

Senator HATCH. Good morning.

Mr. PEREZ. It's an honor to see you again.

Senator HATCH. It's an honor to see you again.

Mr. Perez on April 10, Darrell Issa, Chairman of the House Oversight and Government Reform Committee, sent you a subpoena for all of your personal e-mails related to official business. As of today's deadline, I have been informed, he has not yet received those subpoenaed documents from you.

So he has asked me, to ask you, will you commit to producing all those responsible documents to the House Oversight Committee's subpoena?

Mr. PEREZ. Senator, we received a subpoena last Wednesday, which was, frankly, surprising because we've been cooperative in connection with the case from the outset.

I went and spent a day with the House Oversight Committee. I was, on July 26, in a hearing last year available to testify. The Department's provided over 1,400 documents and——

Senator HATCH. OK. Where are those, is what I'm asking——

Mr. PEREZ [continuing]. So we were, frankly, surprised to receive it, but nonetheless, we provided, what I think, a responsive letter yesterday and it's my understanding that people came over to the Department to review documents.

Senator HATCH. OK. I wasn't aware of that, no.

In *Hosanna-Tabor v. EEOC*, the Supreme Court unanimously held that the First Amendment protects churches or religious organizations from lawsuits over the hiring or firing of their ministers.

Now, this is the so-called ministerial exception. I am the author of the Religious Freedom Restoration Act, so I naturally take an interest in these things.

This is the so-called ministerial exception that had been recognized by Federal appeals courts for more than 40 years. In that case, you signed onto a brief opposing any such constitutional protection. Essentially, had your argument won the day, the Federal courts would be able to interfere with churches' decisions about choosing or retaining their own ministers.

The Supreme Court not only unanimously rejected your position, but called it "untenable." The Court said that your position was, "Hard to square with the text of the First Amendment itself, which gives special solicitude to the rights of religious organizations."

The Court further stated that it could not, "Accept the remarkable view that the religion clauses had nothing to say about a religious organization's freedom to select its own ministers."

Now, several things trouble me about your position in this case, including what appears to be your view that a statute can trump or neutralize the Constitution. In this case, that title VII trumps the First Amendment. Now, I would have thought it obvious that statutes must conform to the Constitution, not the other way around.

Now, why did the Department of Justice take such an extreme position in the *Hosanna-Tabor* case? And do you still believe that the Government should be able to sue churches over their hiring and firing decisions with regard to clergy?

Mr. PEREZ. Senator, first of all, thank you for your leadership not only on the Religious Freedom Restoration Act, but on RLUIPA. I know you and Senator Kennedy were indispensable in that——

Senator HATCH. From both——

Mr. PEREZ [continuing]. And I'm proud to report that we continue to give that law full force and effect.

The brief that I believe you're talking about, which was filed by the Solicitor General's Office, I think the Government, as I recall, acknowledged that the hiring exemptions that religious organizations enjoyed for decades, it acknowledged that those hiring exemptions exist. It didn't seek, as I understand it, to manifest hostility to the rights of churches or other religious organizations to select their ministers. And, of course, the decision of the Supreme Court is the law of the land, and we would, of course, abide by that and move forward.

Senator HATCH. Thank you so much.

Mr. Chairman, I will finish with that.

The CHAIRMAN. Thank you, Senator Hatch.

Senator HATCH. Thank you.

The CHAIRMAN. Now, we will turn to Senator Murray.

#### STATEMENT OF SENATOR MURRAY

Senator MURRAY. I will be short as well.

Mr. Perez, thank you. Very good to see you here today.

Mr. PEREZ. Good to see you again, Senator.

Senator MURRAY. I just quickly want to say, I have reviewed all of your incredible public services. You have a very amazing, impressive, wide range of experience that you are bringing from a number of different agencies. And you are something of a turn-around expert for public sector agencies. So let me just thank you for that.

I just have one question in the short amount of time we have, and as a member of the Veteran's Committee, past chair of that, I have worked very hard to make sure our country steps up to meet the needs of our service members and veterans, who sacrifice so much on behalf of all of us.

The Civil Rights Division plays an especially valuable and, frankly, very little-known role in ensuring that critical protections, voting rights, employment rights under the SERA Act, housing and mortgage protection, as you mentioned a moment ago, just to name a few.

Can you share quickly with this committee what steps you took to improve the enforcement of those protections, and how you will address the needs of service members in your new position?

Mr. PEREZ. Thank you, Senator. One of my real points of pride here in the Civil Rights Division is what we have been able to do on behalf of service members. When people are overseas defending our Nation, they need to know that we have their back at home.

And one of the biggest areas where we dramatically stepped up our activities was in the enforcement of the Servicemembers Civil Relief Act. There were service members overseas, as I mentioned earlier, who were having their homes foreclosed on at home and that's unacceptable. It was illegal and they were having their cars repossessed illegally. They were being charged interest above the statutory rate, a law that this Congress passed. So, we've recovered something like \$50 million and counting on behalf of service members.

This was a program that was largely moribund when we arrived. There had been, I think, one case totaling \$8,000 on behalf of a service member. And now, we've been able to provide that relief.

Senator MURRAY. I really appreciate all your focus and attention on that.

Mr. PEREZ. Thank you. We went out and visited people. We went on the base in Tacoma and visited there. We were in Fort Campbell, KY and elsewhere, and we listened and learned, and that's why we did so much more work in the voting context, making sure that the vote of a service member can be counted.

Then finally in the employment area, if a Guardsman gets deployed and then loses their job at home, that's unacceptable. The prior administration had done very good work in that area, we con-

tinued that work and we've been able to increase it by about 40–45 percent, because you shouldn't have to lose your job if you get deployed. The law says that that's illegal.

And if confirmed, we will continue these partnerships because we need to work with our vets. We need to make sure that they have pathways to opportunity. We need to work with States so that if a veteran is an EMT working in a warzone and comes home, that there aren't licensing barriers to that vet becoming an EMT at home. There's so much that we can do. There's so much that we are doing, but I think there's even more that we can do.

Senator MURRAY. Well, I will look forward to a conversation with you about that. It is a passion of mine, but it is a real need for this country. And certainly, our Department of Labor really needs to focus on that. So I appreciate your work.

Mr. PEREZ. Thank you for your leadership on that.

The CHAIRMAN. Thank you, Senator Murray.

And now, Senator Hagan.

#### STATEMENT OF SENATOR HAGAN

Senator HAGAN. Thank you, Mr. Chairman.

And welcome, Mr. Perez.

Mr. PEREZ. Good morning, Senator. I saw you at the Greensboro opening.

Senator HAGAN. I was going to say back in 2010 for the opening—

Mr. PEREZ. Yes.

Senator HAGAN [continuing]. Of the Civil Rights Museum, the Woolworth's where the Greensboro Four sat at the lunch counter.

Mr. PEREZ. A very memorable day.

Senator HAGAN. As I recall, it was a freezing, freezing February; one cold 7 a.m. morning.

Mr. PEREZ. For a Buffalo guy, it felt pretty balmy.

Senator HAGAN. It was cold.

[Laughter.]

I wanted to ask some questions about the fiduciary rule, and I know you have probably heard this already today. But I have really heard serious concerns from a wide range of stakeholders about this issue, and I share the Department of Labor's goal of protecting consumers.

I am also concerned that the rule that was drafted in 2010 would harm constituents in my State who are trying to save for retirement. In fact, one study concluded that the Department of Labor's proposed regulation would cause hundreds of thousands of fewer IRA's to be opened annually.

And I believe it is important to ensure that the Department of Labor studies this potential impact and takes this analysis into account when the rule is repropounded.

If you are confirmed, do you pledge to monitor the development of this rule to ensure that it does not require—doesn't result in increased costs for particularly the low- and the moderate-income accountholders? And what steps will you take to ensure that the rule does not result in reduced access to the education or fewer retirement investment options for Americans?



Mr. PEREZ. Senator, you have my commitment that, if confirmed, I will be actively and immediately listening and learning from all of the Senators and other stakeholders from whom I've heard feedback.

I've heard, as I mentioned earlier, I think, to Senator Isakson, I've heard concerns from Republican and Democratic Senators in the course of my visits. And part of the reason I wanted to visit with people is to listen and learn about things that are on your mind.

I look forward, if confirmed, to continuing that dialog, except taking a much deeper dive.

Senator HAGAN. Because I really do think it will have a negative impact on the low- and moderate-income saver who is really trying to do the right thing and save for their retirement.

The SEC has also been working on its own fiduciary standard for broker-dealers for several years. And the Commission's goal has been to ensure that investors, particularly retail investors, are appropriately protected and have access to the types of investor-focused advice that they need.

As Labor Secretary overseeing the Department's fiduciary rule-making, would you agree that the goal of investor protection, or agree with that goal of investor protection and access to advice?

Mr. PEREZ. Sure. We always want to make sure that we have investor protection. We want to make sure we have retirement security for everybody. I think there are a lot of shared goals.

We also want to make sure that the doctrine of unintended consequences is something that we keep in mind, and we want to figure out how we can balance all of the competing considerations. And I look forward, if confirmed, to working on that with you.

Senator HAGAN. That doctrine of unintended consequences, I think, plays part in this because although the SEC and the DOL rules would apply to investors with separate objectives, I really am concerned that they will create confusion or even contradictory directives for investors. So I do appreciate that.

Then one other question on workforce training, getting Americans and North Carolinians back to work is certainly a top priority for me. I know the U.S. unemployment rate is about 7.6. In my State, it is much higher than that. It is 9.4, and in some areas and my county, it is 17–18 percent.

At the same time, the Bureau of Labor Statistics reported recently that there are close to 4 million job openings in the United States. I know that manufacturing companies can't fill as many as 600,000 skilled positions.

There is, to me, a huge mismatch of the skill sets that are necessary today to do these jobs that are available.

What steps will you take to increase communication and collaboration between the Department of Labor, business leaders, community organizations, and educators to really try to help connect our unemployed Americans with these available job opportunities that we know are out there?

Mr. PEREZ. Senator, I believe that the Department of Labor can be the quarterback in a fully integrated and agile workforce system that's demand-driven, responsive to the needs of employers, and works collaboratively with workers and other stakeholders to make

sure that they have access to those jobs, and that the gaps that you described are addressed.

And there's a program—the North Carolina Back-to-Work Program is a partnership between your community college system and the North Carolina Department of Commerce. It's a really good example of a program that, among other things, addresses the needs of the long-term unemployed. And I look forward to learning more about it.

Senator HAGAN. I look forward to working with you, and I have another bill, a bipartisan bill, the America Works Act, that I think can really concentrate on helping develop these skill sets for the jobs that are available.

Mr. PEREZ. Thank you.

Senator HAGAN. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Now, we will turn to Senator Casey, who chairs the Employment and Workplace Safety Subcommittee.

Senator Casey.

#### STATEMENT OF SENATOR CASEY

Senator CASEY. Mr. Chairman, thank you very much.

I am sorry I was late today. We had one of those mornings where we were doing a lot of juggling, so.

Mr. PEREZ. You've had a number of them.

Senator CASEY. Tom, I missed your opening statement and some of the questions, so I apologize for that.

No. 1, thanks for your commitment to public service. It's been extraordinary over a lot of years; we don't need to recount the years. You know them.

Mr. PEREZ. I had hair when I started.

[Laughter.]

Senator CASEY. I had more then, too, when you started.

Mr. PEREZ. I figured we could relate.

Senator CASEY. But just one question in light of the, I know we are constrained by a vote and the time.

Initially, we spoke of earlier when we sat down in my office recently on Job Corps, which is, most people know, but if they don't, a great program over generations, has been in place. Students who come to a facility in Pennsylvania, a site, one of four sites where they learn job skills, they overcome or surmount barriers in their way.

Critically important program that, unfortunately, because the Department didn't budget very well and didn't watch the dollars in ways that, I think, taxpayers should have an expectation that they would. They had to, the Department, as you know, had to cutback and freeze enrollments, affected thousands of students across the country and, unfortunately, is going to lead to some bad results where folks who won't get on the right track. So a program that needs tremendous reform, the commitment of your time and effort.

And I would ask you to make a commitment today to work very hard, upon confirmation, to right the ship. To put in place the kind of controls that any organization, public or private, would have by use of, what I would call, old-kind-of-comptroller practices. Budg-

eting and being able to budget month-to-month and be able to project over time the spending.

So I would ask you for that commitment and your efforts to rectify this.

Mr. PEREZ. You have my absolute commitment in that regard, Senator. We have to do better. We can do better. We will do better. And I know there are a lot of dedicated people at the Department right now already working on this.

You have my full commitment that, if confirmed, this will be a top priority.

Senator CASEY. And as you know, and the chairman gave us the opportunity to have a hearing in our subcommittee, Senator Isakson and I and others who joined in, and spent a lot of time trying to push the Department to get this right.

We have high expectations and I think they are consistent with the expectation of taxpayers, but also what we should all hope for those students.

Mr. PEREZ. Absolutely.

Mr. CASEY. Thanks very much.

Mr. PEREZ. Thank you for your time. It's good to have two former Jesuit volunteers in the room, as well.

Senator CASEY. That's right.

Mr. PEREZ. My wife is here.

Senator CASEY. Thank you.

The CHAIRMAN. Look out for the Jesuits. Anyway, I can say it because I have been in Catholic schools all of my life. I always say I was very fortunate. I never had Jesuit teachers.

[Laughter.]

That's an inside joke.

Mr. PEREZ. Right. I should note for the record that my wife's uncle is a Jesuit.

The CHAIRMAN. Oh, well.

Mr. PEREZ. He teaches at the University of Detroit Mercy.

The CHAIRMAN. Oh, well. They're great people, those Jesuits.

Mr. PEREZ. Yes.

[Laughter.]

The CHAIRMAN. All right.

Mr. CASEY. Mr. Chairman, thank you for that.

The CHAIRMAN. We will be holding an executive session next Thursday to consider Mr. Perez's nomination. In order to maintain that timetable, I ask that Senators submit any written questions by 5 p.m. on Friday, tomorrow.

The hearing record will remain open for statements for 10 days.

The CHAIRMAN. Mr. Perez, thank you for your forthrightness. Thanks too, again, for all of your public service and your willingness to take on this job.

I can just say that in closing that Amalia, and Susana, and Rafael have been so good and so attentive, they deserve the best lunch.

[Laughter.]

Mr. PEREZ. All right. Absolutely.

The CHAIRMAN. Senator Alexander.

Senator ALEXANDER. There are still some outstanding requests for information which we need to have in, in order to complete the

process for the committee. So I would urge you to do that as quickly as possible.

Mr. PEREZ. We certainly look forward to working with you on any requests for information, sir. Thank you for your courtesy.

The CHAIRMAN. Thank you very much. The hearing is adjourned.  
[Additional material follows.]

## ADDITIONAL MATERIAL

## LETTERS OF SUPPORT

[Globe Newswire, March 13, 2013—Press Release]

## THE UNITED STATES HISPANIC CHAMBER OF COMMERCE COMMENDS PRESIDENT OBAMA'S CHOICE OF THOMAS PEREZ AS SECRETARY OF LABOR—GLOBE NEWSWIRE

WASHINGTON, DC—The United States Hispanic Chamber of Commerce (USHCC) applauds President Obama's appointment of prominent civil rights lawyer, Thomas Perez, as the new Secretary of Labor. Pending Senate confirmation, Perez is set to replace outgoing Labor Secretary, Hilda Solis.

Perez is a Harvard-educated attorney whose career has been dedicated to worker and civil rights advocacy at the Federal, State and local levels. He was appointed Assistant Attorney General at the Civil Rights Division at the U.S. Department of Justice in 2009. Prior to that, he was secretary for Maryland's Department of Labor, Licensing and Regulation. Perez also served 12 years prosecuting civil cases as Deputy Assistant Attorney General in the Clinton administration.

USHCC President & CEO Javier Palomarez said,

"Thomas Perez's admirable civil service career protecting the rights of the American people is praiseworthy. His story as a first-generation American sheds light on the incredible contributions the children of our Nation's immigrants offer to our country every day. His track record has proven that he is a tireless champion for the American worker and I am certain he will continue his outstanding service to our country as the next Secretary of Labor."

Foreign-born workers make up over 16 percent of the Nation's civilian labor force. Immigrant entrepreneurs own 11 percent of all U.S. firms, employing 1 out of every 10 American workers and generating over \$775 billion in annual revenue.

"I am confident Thomas Perez will be a leading voice not only for our Nation's workers, but also for America's immigrant entrepreneurs. He is a committed civil and labor rights champion that sees the limitless value immigration reform will bring to our economy—that is precisely the kind of leader we need at the Department of Labor. The USHCC looks forward to working with Mr. Perez once he assumes his new role"—said USHCC Chairman of the Board Marc Rodriguez.

## ABOUT THE USHCC

Founded in 1979, the USHCC actively promotes the economic growth and development of Hispanic entrepreneurs and represents the interests of over 3 million Hispanic-owned businesses across the United States that contribute in excess of \$465 billion to the American economy each year. It also serves as the umbrella organization for more than 200 local Hispanic chambers and business associations in the United States and Puerto Rico. Follow us on Twitter @USHCC.

Contact: Valentina Pereda, USHCC Communications Manager, 202-735-772, [vpereda@ushcc.com](mailto:vpereda@ushcc.com).

[NCLR, March 12, 2013—Press Release]

WASHINGTON, DC—NCLR (National Council of La Raza) announced today its support for Thomas E. Perez, Assistant Attorney General for the Civil Rights Division at the U.S. Department of Justice, who is being considered by President Obama for Secretary of Labor, a vacancy left by former Secretary Hilda Solis. NCLR is encouraged by this potential appointment and urges the President to strongly consider Mr. Perez and other highly qualified Hispanics for cabinet positions. If nominated, Perez would be the only Latino in the President's second-term cabinet and the first Dominican American ever to serve in a presidential cabinet.

Janet Murguía, NCLR President and CEO said,

"Thomas Perez is an eminently qualified public servant who has the professional experience and compelling personal story to serve at the highest levels of the administration. Mr. Perez's impeccable legal background in civil rights issues, particularly workers' rights, as well as his decades of service as an elected and appointed official make him uniquely prepared to address the policy complexities and management responsibilities at the Department of Labor."

Since his appointment in 2009, Perez has steered the Civil Rights Division to prioritize the full enforcement of critical civil rights statutes such as the National Voting Rights Act, Title IX, the Americans with Disabilities Act and the Fair Hous-

ing Act—all programs that have aided the Latino community tremendously. He also helped build agreement among stakeholders to settle three of the largest lending cases in the Fair Housing Act's history, securing more money for victims of discriminatory lending practices than had been secured by the Federal Government in the previous 23 years combined. During his tenure, the Civil Rights Division also championed the defense of military families and victims of hate crimes.

Murguía added,

“We are pleased to see the president once again strongly considering the nomination of a Latino candidate for this crucial position in his administration. We fully believe that Mr. Perez has the outstanding leadership and acumen to serve as Secretary of Labor. We hope that President Obama will continue to add diversity to his cabinet and consider qualified Latinos for additional cabinet positions as well as other senior-level Presidential appointments.”

NCLR—the largest national Hispanic civil rights and advocacy organization in the United States—works to improve opportunities for Hispanic Americans. For more information on NCLR, please visit [www.nclr.org](http://www.nclr.org) or follow along on Facebook and Twitter.

Contact: Julian Teixeira, (202) 776-1812, [jteixeira@nclr.org](mailto:jteixeira@nclr.org).

JOINT STATEMENT FROM STATE ATTORNEYS GENERAL IN SUPPORT OF NOMINATION OF TOM PEREZ AS SECRETARY OF U.S. DEPARTMENT OF LABOR—MARCH 19, 2013

Tom Perez is a brilliant lawyer and leader, who listens thoughtfully to all sides and works collaboratively to solve problems. He has dedicated his career to serving the public, and his experience as Secretary of the Maryland Department of Labor, Licensing and Regulation and in the U.S. Department of Justice make him ideally suited to serve as the Secretary of the U.S. Department of Labor.

As State Attorneys General, we have found Perez to be open, responsive and fundamentally fair. He is committed to justice and the rule of law and able to work across party and philosophical lines to achieve just results.

The U.S. Department of Labor and the country will be well served by a leader who understands the need to forge partnerships with State and local officials and who values cooperation to bring about successful results for both employers and employees.

The following Attorneys General issued this joint statement in support of Perez's nomination:

California Attorney General Kamala Harris, Delaware Attorney General Beau Biden, Illinois Attorney General Lisa Madigan, Iowa Attorney General Tom Miller, Mississippi Attorney General Jim Hood, North Carolina Attorney General Roy Cooper, Oregon Attorney General Ellen Rosenblum, Tennessee Attorney General Robert Cooper, Jr., Former Utah Attorney General Mark Shurtleff and Former Washington Attorney General Rob McKenna.

[National Hispanic Leadership Agenda, March 12, 2013—Press Release]

IMPENDING NOMINATION OF THOMAS PEREZ AS SECRETARY OF LABOR  
WELCOMED BY NATIONAL LATINO LEADERS, SWIFT CONFIRMATION URGED

AS ASSISTANT ATTORNEY GENERAL, PEREZ LEADS THE CIVIL RIGHTS DIVISION AS A PRAGMATIC CONSENSUS BUILDER, DEFENDER OF AMERICA'S MOST VULNERABLE POPULATIONS

Washington, DC—In response to reports that the Department of Justice's Assistant Attorney General Thomas Perez may be nominated by President Barack Obama to be the Secretary of Labor, the National Hispanic Leadership Agenda (NHLA) issued the following statement strongly supporting the nomination. NHLA is a coalition of 30 of the Nation's leading Hispanic organizations and has been active in calling for the inclusion of Latino appointees in the Cabinet and in positions across the Federal Government.

Hector E. Sanchez, Chair of NHLA and executive director of LCLAA, stated:

“Thomas Perez has distinguished himself as a pragmatic problem solver with an extensive record of defending our country's most vulnerable communities. He would make an outstanding Labor Secretary and we urge the Senate, when his nomination is received, to promptly confirm him.

“Perez's impressive career of public service spans the local, State, and Federal levels. In all of the prestigious positions he has held, which include the Secretary of Maryland's Department of Labor, Montgomery County Council Mem-

ber, Director of the Office for Civil Rights at the U.S. Department of Health and Human Services, Deputy Assistant Attorney General for Civil Rights, and Special Counsel to the late Senator Edward Kennedy, Perez worked with both business and labor, Republicans and Democrats, to achieve results in advancing the civil rights of vulnerable populations. His track record of effective governing will serve him, and our Nation, well as Labor Secretary.

"His accomplishments in leading the Department of Justice's Civil Rights Division include settling several of the largest fair-lending cases in the department's history, securing the largest-ever disability-based housing discrimination settlement, and successfully reaching a settlement to prevent discrimination in school enrollment and student discipline.

"As Assistant Attorney General, Perez has become known for building consensus on issues from supporting military families and defending the disabled to prosecuting hate crimes and protecting voting rights."

NHLA's advocacy work in calling for the increased representation of Latinos in the Federal Government stems from the fact that while Latinos are nearly 17 percent of the U.S. population, they are just 8 percent of the Federal career workforce and as little as 3 percent of the employees in some Federal agencies (per the U.S. Office of Personnel Management's *Eleventh Annual Report on Hispanic Employment in the Federal Government*). NHLA's preliminary analysis of the nearly 4,000 political positions listed in the 2012 *Plum Book* suggests Latinos may be as little as 7 percent of the current Presidential appointees.

Over the past several months, NHLA has urged the President to appoint Latinos to at least three of his 22 Cabinet-level positions in order to more fairly align with the community's proportion of the population. The President's remaining Cabinet-level vacancies left to be named include the positions of the Secretary for the Department of Commerce, Secretary of the Department of Transportation; the United States Trade Representative; and the Small Business Administrator.

Established in 1991, The National Hispanic Leadership Agenda (NHLA) brings together Hispanic leaders to establish policy priorities that address, and raise public awareness of the major issues affecting the Latino community and the Nation as a whole. For more information, please visit [www.nationalhispanicleadership.org](http://www.nationalhispanicleadership.org).

For more information, contact: Estuardo Rodriguez at [estuardo@rabengroup.com](mailto:estuardo@rabengroup.com), (202) 631-2892.

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NATIONAL ASSOCIATION OF LATINO ELECTED AND  
APPOINTED OFFICIALS (NALEO),  
LOS ANGELES, CA 90015,  
March 14, 2013.

THE HONORABLE BARACK OBAMA,  
*President of the United States,*  
*The White House,*  
*1600 Pennsylvania Ave., NW,*  
*Washington, DC 20500.*

DEAR PRESIDENT OBAMA: On behalf of the National Association of Latino Elected and Appointed Officials (NALEO), I write to urge you to nominate Assistant Attorney General for the Civil Rights Division Thomas E. Perez to the position of Secretary of Labor. Mr. Perez is a highly experienced administrator and public servant who we believe is well-prepared to be an active, engaged Secretary from his first day on the job.

The next Secretary of Labor must possess intimate knowledge of the challenges facing both workers and employers in today's marketplace, and must be skilled at building consensus between constituencies that approach labor issues from different perspectives. Mr. Perez has the diverse experience and leadership skills needed to master the unique demands of this post. While engaging with community-based organizations that serve laborers, chairing the Federal interagency Worker Exploitation Task Force, and serving as Secretary of the Maryland Department of Labor, Licensing, and Regulations. Mr. Perez amassed an impressive record safeguarding workers, promoting economic development, providing a safety net and cultivating a thriving workforce in the State of Maryland. A lifelong public servant, Mr. Perez has worked successfully with everyone from citizen-constituents, in his role as a Council member and president of the Montgomery County Council, to those in the highest levels of Federal Government, as a key official at the Department of Justice. An alumnus of the Department of Health and Human Services and a former professor at the George Washington University School of Public Health, he is also

knowledgeable about the conditions and services that workers need to stay healthy and productive.

Mr. Perez's track record of achievements demonstrates his success in unifying stakeholders around common goals that move our country forward. As a litigator at the Department of Justice, for example, Mr. Perez coordinated the successful prosecution of some of the Department's most high profile civil rights cases, including a Texas hate crimes case involving a group of white supremacists who went on a deadly, racially motivated crime spree. As a top State official, he was a principal architect of a sweeping package of State lending and foreclosure reforms that ameliorated the foreclosure crisis in Maryland. Under his leadership, the Civil rights Division has strengthened the Nation's Democratic process by protecting the right to vote of all eligible individuals, handling more voting rights matters than at any time in the past 35 years.

[Hispanic National Bar Association, March 18, 2013—For Immediate Release]

**HNBA CONGRATULATES & SUPPORTS THOMAS PEREZ ON HIS NOMINATION  
AS SECRETARY OF LABOR**

WASHINGTON, DC—The Hispanic National Bar Association (HNBA), the national association of Latino attorneys, judges, law professors and law students, congratulates and supports Thomas Perez on his nomination by President Obama to be Secretary of the U.S. Department of Labor. Perez currently serves as the Assistant Attorney General for the Civil Rights Division of the U.S. Department of Justice. In that capacity, he has focused on upholding the civil and constitutional rights of all Americans. He previously served as the Secretary of Maryland's Department of Labor, Licensing and Regulation. From 2002 until 2006, he was a member of the Montgomery County Council in Maryland. He was the first Latino ever elected to the Council, and served as Council President in 2005. Earlier in his career, he spent 12 years in Federal public service, most of them as a career attorney with the Civil Rights Division. Perez was a law professor for 6 years at the University of Maryland School of Law and was a part-time professor at the George Washington School of Public Health. He received a Bachelor's degree from Brown University, a Master's of Public Policy from the John F. Kennedy School of Government and a Juris Doctorate from Harvard Law School.

HNBA National President Peter M. Reyes, Jr. said,

"The HNBA salutes Thomas Perez as he reaches a new height in his legal career. His years of dedicated, productive service have set a high standard in the legal profession. As the son of immigrants from the Dominican Republic, his parents taught him the importance of education, hard work and public service. Perez became the first lawyer in his family and has continued his family's tradition of service. The HNBA strongly supports the timely Senate confirmation of the highly qualified Thomas Perez as our next Secretary of Labor."

*About the Hispanic National Bar Association*

The Hispanic National Bar Association (HNBA) is an incorporated, not-for-profit, national membership organization that represents the interests of the more than 100,000 Hispanic attorneys, judges, law professors, legal assistants, and law students in the United States and its territories. From the days of its founding four decades ago, the HNBA has acted as a force for positive change within the legal profession. It does so by encouraging Latino students to choose a career in the law and by prompting their advancement within the profession once they graduate and start practicing. Through a combination of issue advocacy, programmatic activities, networking events and educational conferences, the HNBA has helped generations of lawyers succeed.

Contact: Antonio "Tony" Arocho, Esq.; E-mail: [aaerocho@hnba.com](mailto:aaerocho@hnba.com); Phone: (202) 223-4777.

[National Gay and Lesbian Task Force, March 18, 2013]

Task Force Executive Director Rea Carey said today,

"Thomas Perez is a terrific choice for labor secretary. He has a proven track record of support for workers and those who have faced discrimination. A champion of civil rights, he represented the administration and testified before the U.S. Senate in 2009 in support of the Employment Non-Discrimination Act, a bill that would protect employees on the basis of sexual orientation and gender identity. As head of the Civil Rights Division at the Justice Department, he challenged State voter suppression efforts and pursued a record number of dis-



crimination or brutality claims against local law enforcement agencies, including the very visible Trayvon Martin racial profiling case.

"The Labor Department is critical to advancing, enforcing and preserving policies that directly impact the lives and livelihoods of lesbian, gay, bisexual and transgender people and our families. It has made significant policy advances over the past few years in this regard. These advances include adding gender identity as a protected category to the department's equal employment statement, and clarifying that the Family and Medical Leave Act is inclusive of same-sex couples raising children.

Thomas Perez at the helm of the Labor Department will help keep this momentum moving forward. We urge the Senate to confirm him."

[League of United Latin American Citizens, March 18, 2013]

LULAC PRAISES PRESIDENT OBAMA'S NOMINATION OF THOMAS EDWARD PEREZ  
FOR SECRETARY OF LABOR

WASHINGTON, DC—Today, President Obama nominated Thomas Edward Perez for the position of Secretary of Labor, which would make him one of the top ranking Latinos to serve in President Obama's administration. If confirmed Mr. Perez will replace Secretary Solis as the next Labor Secretary.

Currently, Mr. Perez is the Assistant Attorney General for the Civil Rights Division of the U.S. Department of Justice and has been successful in defending against draconian voter ID laws. He has spearheaded 17 probes of police and sheriffs departments for civil rights violations, the most in the Department's 54-year history.

LULAC National President Margaret Moran said,

"LULAC has worked closely with the civil rights office and knows the caliber of person that the President has tapped as his next Secretary of Labor. Both Mr. Perez's professional background, which includes a diverse knowledge for the different branches of government, and his passionate work on behalf of the oppressed, make him the most qualified person to serve as Secretary of Labor."

Those close to Mr. Perez describe him as a dedicated public servant. LULAC hopes his confirmation proceeds without partisan delay.

LULAC looks forward to continuing its work with the Civil Rights Office in ensuring voter rights laws protect the minority communities and knows that with Mr. Perez heading the Department of Labor we will have an advocate fighting on behalf of labor issues that impact our community.

LULAC National President Margaret Moran and LULAC Executive Director Brent Wilkes were invited guests for the White House official announcement.

Contact: Paloma Zuleta, 202-833-6130, [PZuleta@LULAC.org](mailto:PZuleta@LULAC.org).

MECHANICAL CONTRACTORS ASSOCIATION OF AMERICA (MCAA),  
MARCH 18, 2013.

PRESIDENT BARACK OBAMA,  
*The White House,*  
*1600 Pennsylvania Avenue, NW,*  
*Washington, DC 20500.*

Subject: Strong Support for Nomination of Thomas E. Perez as Secretary of Labor

DEAR MR. PRESIDENT: The Mechanical Contractors Association of America (MCAA) commends you on your nomination of Thomas E. Perez to become the Secretary of Labor, and offers its strong support for timely Senate confirmation of that appointment.

MCAA, along with our affiliate association, the Mechanical Contractors Association of Maryland (MCA—MD), commend you on this impeccable choice of an accomplished public servant with a broad record of solid achievement to lead in policy development and Labor Department administration, which is of crucial importance to the construction industry in dealing with a host of issues and challenges stemming from the eventual market rebound from the prolonged recession, adverse workforce demographic trends, and immigration policy and workforce standards policies as well.

MCAA also will offer strong support for the nomination of Mr. Perez in the Senate confirmation process. It is our view that Mr. Perez is uniquely qualified to deftly reconcile the many cross currents developing in upcoming policy choices relating to immigration reform, ongoing enforcement programs relating to the prevalent abuses of workforce misclassification in the construction industry and others, and existing

and new programs to provide equal employment opportunity and affirmative action for underutilized minority, women, veteran and disabled veteran workers in the domestic labor force.

Sincerely,

JOHN MCNERNEY,  
*General Counsel MCAA.*

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[Asian American Justice Center, March 18, 2013]

AAJC APPLAUDS PEREZ NOMINATION

OBAMA NOMINATES TOM PEREZ FOR LABOR SECRETARY

WASHINGTON, DC—Today the Asian American Justice Center (AAJC) welcomed President Obama's nomination of Tom Perez, Assistant Attorney General for the Justice Department's Civil Rights Division, to serve as his next Labor Secretary.

Mee Moua, AAJC president and executive director said,

"Even before his appointment as Assistant Attorney General for the Civil Rights Division in October 2009, Perez has long been supportive of issues important to the Asian American and Pacific Islander communities. He has worked with AAJC—and all the members of Asian American Center for Advancing Justice—on immigration, hate crimes, language access, voting rights and other key issues."

Moua added, noting that Perez was the keynote speaker at the inaugural Advancing Justice Conference in 2009,

"Tom Perez will be an outstanding Secretary of Labor, and we expect that he will be a powerful leader concerned about the well-being of Asian American workers, employers, and business owners as he carries out his duties. We thank President Obama for putting forward a civil-rights champion such as Tom and urge the Senate to confirm him swiftly."

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MARYLAND CHAMBER OF COMMERCE,  
MARCH 15, 2013.

The Honorable BARACK OBAMA,  
*President of the United States,*  
*The White House,*  
*Washington, DC 20500.*

DEAR PRESIDENT OBAMA: The Maryland Chamber of Commerce supports the nomination of Thomas E. Perez to serve as the U.S. Secretary of Labor.

During his tenure as Secretary of Maryland's Department of Labor, Licensing and Regulation, Mr. Perez oversaw a wide range of regulatory programs of critical importance to the State's business community, including unemployment insurance, the regulation of financial institutions, worker safety and professional licensing.

Mr. Perez proved himself to be a pragmatic public official who was willing to bring differing voices together. The Maryland Chamber had the opportunity to work with Mr. Perez on an array of issues of importance to employers in Maryland, from unemployment and workforce development to the housing and foreclosure crisis.

Despite differences of opinion, Mr. Perez was always willing to allow all parties to be heard and we found him to be fair and collaborative. I believe that our experiences with him here in Maryland bode well for the Nation.

The Maryland Chamber of Commerce is Maryland's leading statewide business advocacy organization. Our 800 member companies employ more than 442,000 people in the State. The Chamber works to support its members and advance the State of Maryland as a national and global competitive leader in economic growth and private sector job creation through its effective advocacy, high level networking and timely communications.

Sincerely,

KATHLEEN T. SNYDER, CCE,  
*President/CEO,*  
*Maryland Chamber of Commerce.*

GREATER PRINCE GEORGE'S BUSINESS ROUNDTABLE,  
BOWIE, MD 20720,  
*March 18, 2013.*

TO WHOM IT MAY CONCERN: Tom Perez is one of the most honest and dedicated public officials that we in the Prince George's County business community have ever worked with. His understanding that government must work in partnership with business to find solutions that succeed in today's marketplace highlights his continual accessibility and his empathic approach to working with job creators nationwide.

We applaud the President's nomination of Tom Perez as Secretary of Labor because we have experienced, first hand, the fruits of Tom's open door policy and his steady approach to finding solutions that work for the benefit of all.

Sincerely,

M.H. JIM ESTEPP,  
*President and CEO.*

THE LEADERSHIP CONFERENCE ON  
CIVIL AND HUMAN RIGHTS,  
WASHINGTON, DC 20006,  
*April 11, 2013.*

Re: Thomas Perez Deserves Swift Confirmation as Secretary of the U.S. Department of Labor

DEAR SENATOR: On behalf of the undersigned 82 organizations, we write to urge swift confirmation of Thomas Perez as the next Secretary of the U.S. Department of Labor. Mr. Perez has shown a commitment to advancing opportunity for all Americans, and his outstanding career in public service makes him well-qualified to ensure the well-being of our Nation's workforce as the next Secretary of Labor.

We believe the next Secretary of Labor must ensure the voices of working families are heard and can bring the perspective, values, and needs of employees, and job seekers to policymaking. Based on his distinguished career, there is no doubt that as Labor Secretary Mr. Perez will promote the welfare of wage earners, job seekers, and retirees; improve working conditions and workplace safety; advance opportunities for employment; and assure work-related benefits and rights.

As the Assistant Attorney General for the Department of Justice's Civil Rights Division, Mr. Perez helped build consensus with stakeholders to uphold the civil and constitutional rights of all Americans, particularly some of the most vulnerable members of our society. Mr. Perez stepped up enforcement of human trafficking laws and efforts to ensure that veterans can keep their civilian jobs while serving in the military. He has also been a tireless champion of voting rights, disability rights, equal educational equity, and has prosecuted some of the most heinous hate crimes in recent memory.

Before his nomination to lead the Civil Rights Division, Mr. Perez was Secretary of Maryland's Department of Labor, where he collaborated with businesses and employees to address critical workforce development needs and continue to build a world-class workforce. Throughout his public service career, Mr. Perez has also prosecuted high profile civil rights cases, was a director of the Office for Civil Rights at the U.S. Department of Health and Human Services, was Special Counsel to the late Senator Edward Kennedy, where he was Senator Kennedy's principal adviser on civil rights, criminal justice, and constitutional issues, and also served as a local elected official on the Montgomery County Council in Maryland.

Thomas Perez's outstanding career in public service makes him eminently qualified to be the next Secretary of Labor and take on the important responsibility of ensuring the well-being of our Nation's wage earners, job seekers, and retirees. For these reasons, we urge you to move forward without delay on the confirmation of Thomas Perez. For further information, please contact Lexer Quamie at (202) 466-3311 or e-mail [quamie@civilrights.org](mailto:quamie@civilrights.org).

Sincerely,

Advancement Project; AFL-CIO; African American Ministers In Action (AAMIA); Alliance for Justice; American Association for Justice; American Association of People with Disabilities (AAPD); American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO; American Federation of Teachers, AFL-CIO; American-Arab Anti-Discrimination Committee (ADC); Asian & Pacific Islander American Health Forum; Asian American Justice Center, member of Asian American Center for Advancing Justice; Asian American Legal Defense and Education Fund; Asian Law Caucus, member of Asian American Center for Advancing

Justice; Asian Pacific American Labor Alliance and Institute for Asian Pacific American Leadership & Advancement; Asian Pacific American Legal Center, a member of the Asian American Center for Advancing Justice; Bazelon Center for Mental Health Law; Center for Community Change; Children's Defense Fund; Communications Workers of America; Community Action Partnership; Demos; Disability Rights Education & Defense Fund; Equal Justice Society; Fair Elections Legal Network; FairVote; Family Equality Council; Farmworker Justice; Freedom to Work; Gay, Lesbian & Straight Education Network (GLSEN); Hispanic Federation; Human Rights Campaign; Immigration Equality; International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW; Japanese American Citizens League; LatinoJustice PRLDEF; Lawyers' Committee for Civil Rights Under Law; The Leadership Conference on Civil and Human Rights; League of United Latin American Citizens; MALDEF; NAACP; NAACP Legal Defense & Educational Fund, Inc.; National Abortion Federation; National Association of Human Rights Workers (NAHRW); National Association of Latino Elected and Appointed Officials (NALEO); National Association of Social Workers; National Black Justice Coalition; National Center for Lesbian Rights; National Coalition for Asian Pacific American Community Development (National CAPACD); National Community Reinvestment Coalition; National Conference of Black Mayors, Inc.; National Congress of American Indians; National Council of Jewish Women; National Council of La Raza (NCLR); National Council on Independent Living; National Disability Rights Network; National Education Association; National Employment Law Project; National Fair Housing Alliance; National Gay and Lesbian Task Force Action Fund; National Health Law Program; National Hispanic Media Coalition (NHMC); National Immigration Law Center; National Korean American Service & Education Consortium; National Legal Aid and Defender Association; National Organization for Women; National Partnership for Women & Families; National Senior Citizens Law Center; National Women's Law Center; NILC Immigrant Justice Fund; People For the American Way; PolicyLink; Poverty and Race Research Action Council; Progressive National Baptist Convention, Inc.; Public Advocates Inc.; Service Employees International Union (SEIU); Sikh American Legal Defense and Education Fund (SALDEF); The Sikh Coalition; South Asian Americans Leading Together (SAALT); Southeast Asia Resource Action Center (SEARAC); Southern Poverty Law Center; United Food and Commercial Workers International Union; United Steelworkers.

MARYLAND MINORITY CONTRACTORS ASSOCIATION (MMCA),  
BALTIMORE, MD 21218,  
*March 21, 2013.*

President BARACK OBAMA,  
*The White House,*  
*1600 Pennsylvania Avenue, NW,*  
*Washington, DC 20500.*

DEAR PRESIDENT OBAMA: The Maryland Minority Contractors Association applauds the nomination of Tom Perez as the U.S. Secretary of Labor, and encourages a quick confirmation. While serving as Maryland's labor secretary, Tom proved to be fair-minded, and always had an open door.

The Maryland Minority Contractors Association is composed primarily of merit shops, so our member companies have employees that are not under union collective bargaining agreements. We found ourselves at the table with Tom on a range of issues, from workplace safety to apprenticeships to the proper classification of employees. Although our perspectives often differed, we always had a seat at the table, and I can confidently say that our perspective was always taken into consideration. Tom pursues his role of protecting workers with vigor, but he always took the concerns of our members seriously, and, when presented with sound arguments, was willing to compromise.

We strongly support the nomination of Tom Perez and we believe that he will make an excellent Secretary of Labor. He is a smart, honest person who will serve our county well.

PLESS B. JONES, SR.,  
*President.*

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[Baltimore, MD, March 12, 2013]

The Greater Baltimore Committee strongly supports the nomination of Tom Perez to serve as U.S. Secretary of Labor.

Mr. Perez left his position as Secretary of Maryland's Department of Labor, Licensing and Regulation, with a reputation for collaboration and a willingness to work closely with the State's business community. During his tenure here, he consistently demonstrated an understanding of the need to bring all parties together to work on issues that would impact Maryland's economic climate.

Donald C. Fry, President and CEO of the Greater Baltimore Committee said,

"The Greater Baltimore Committee had the opportunity to work with Mr. Perez when he served in Maryland, and our members were impressed with his open-minded approach to developing and implementing policies that impact a wide array of stakeholders. I have no doubt that his reputation as a pragmatic public servant will follow him to the U.S. Department of Labor."

The Greater Baltimore Committee is a regional membership organization of more than 500 businesses, nonprofit organizations, and educational and civic institutions located in the Baltimore Metropolitan Area. The GBC's mission is to improve the business climate of the Baltimore region by organizing its corporate and civic leadership to develop solutions to the problems that affect the region's competitiveness and viability.

[University System of Maryland, March 19, 2013]

#### USM COMMUNITY APPLAUDS PRESIDENT OBAMA'S NOMINATION OF THOMAS E. PEREZ AS U.S. SECRETARY OF LABOR

ADELPHI, MD—University System of Maryland (USM) Chancellor William E. Kirwan and the USM community applaud President Barack Obama's nomination of Thomas E. Perez as U.S. Secretary of Labor.

During his tenure as Maryland Secretary of Labor, Licensing and Regulation, Perez worked closely with the State's higher education community on several issues. He promoted partnerships between the private sector, nonprofit organizations, government agencies, and education to support job training and youth work programs.

In addition, he successfully led the department's effort to bring Maryland's adult education programs into its portfolio. With pragmatism and consensus building, Perez guided the alignment of adult education with workforce development so that individuals who earned a GED would be better positioned to find jobs more suited to their skills.

Perez focused much of his distinguished career in Maryland on improving individuals' preparation for and access to career opportunities. For example, he worked diligently to expand courses in English as a second language for the State's growing immigrant population.

Prior to serving as Maryland's Secretary of Labor, Licensing and Regulation (2007–9), Perez was on the School of Law (now the Francis King Carey School of Law) faculty at the University of Maryland, Baltimore, a USM institution.

Chancellor Kirwan said,

"Thomas Perez has devoted his professional life to making a difference. He is always willing to hear and consider different points of view and is unfailingly fair and collaborative. Clearly, his wealth of experience and commitment to building a strong workforce would be invaluable assets to our country's economic advancement."

[Maryland Association of Community Colleges (MACC), March 20, 2013—  
For Immediate Release]

#### MARYLAND'S COMMUNITY COLLEGES APPLAUD NOMINATION OF TOM PEREZ

ANNAPOLIS, MD—The Maryland Association of Community Colleges applauds President Obama's nomination of Tom Perez to be U.S. Labor Secretary.

During his tenure as Secretary of the Maryland Department of Labor, Licensing and Regulation (DLLR), the Association worked closely with Mr. Perez as he spearheaded the transition of Maryland's adult education programs to the Department of Labor, an effort to create a seamless workforce development program for the State. Mr. Perez proved to be a tireless advocate for adult learners and for the programs that would better help those individuals begin, change or advance their careers.

Dr. Guy Altieri, chair of the Maryland Council of Community College Presidents and president of Hagerstown Community College said,

"Mr. Perez recognized the important role that community colleges play in the education of our State's workforce, and was a tremendous partner at a time of rising unemployment and increased need for community college services. At this

time of great transformation for our Nation's workforce, his vision will serve workers, employers and our Nation well."

Mr. Perez served as Secretary of DLLR as the Nation's economy declined and unemployment rose dramatically. His efforts to better align adult education with the State's workforce development system demonstrated a clear understanding of the economic imperative of providing real opportunities for both workers entering the workforce, and those needing new skills in order to transition to new careers.

Each year nearly 500,000 Marylanders attend one of Maryland's 16 community colleges, in both credit programs, and continuing education and workforce development courses. Founded in 1992, the Maryland Association of Community Colleges represents all 16 of Maryland's 2-year public higher education institutions. MACC is a voluntary, non-profit organization governed by a 32-member board of directors composed of the president and one designated trustee from each member college. For more information about MACC and Maryland's community colleges, visit [www.mdacc.org](http://www.mdacc.org).

For more information, contact: Dr. Bernard Sadusky, executive director, (410) 974-8117 or [bsadusky@mdacc.org](mailto:bsadusky@mdacc.org).

#### STATEMENT OF RICHARD TRUMKA, PRESIDENT, AFL-CIO

Re: Nomination of Thomas Perez for Labor Secretary

Working men and women will be well-served by President Obama's choice of Tom Perez to lead the Department of Labor.

Throughout his career, Perez has fought to level the playing field and create opportunities for working people, whether in the workplace, the marketplace or the voting booth. He has worked to eliminate discrimination in housing, provide access to education and health care, end hate crimes, crack down on employers who cheat workers out of wages and expand our democracy by protecting the fundamental right of every American to vote. In the 1990s, he worked on the front lines of the effort to pass comprehensive immigration reform under the leadership of the great Senator Ted Kennedy—a job that will serve him well in today's drive for common-sense immigration reform.

At a time when our politics tilts so heavily toward corporations and the very wealthy, our country needs leaders like Tom Perez to champion the cause of ordinary working people. And working families need and deserve a strong advocate as their Secretary of Labor—one who will vigorously enforce job safety standards, wage laws, and anti-discrimination rules, and who will speak out forcefully for working families and their workplace rights, including their right to join together to improve their lives and working conditions.

President Obama has chosen such an advocate in Tom Perez, and we congratulate him on this nomination.

Contact: Amaya Tune (202) 637-5018.

[Disability Groups Sign-on Letter, March 15, 2013]

#### DISABILITY ORGANIZATIONS PRAISE ASSISTANT ATTORNEY GENERAL PEREZ

In the 23 years since the passage of the ADA, the issue of enforcement of the disability community's civil rights law has long been a priority of the disability rights movement. In that time, few have played a greater role in advancing that cause than Assistant Attorney General Tom Perez. During his time at the Civil Rights Division of the Department of Justice, Mr. Perez has been an extraordinary champion of the rights of people with disabilities and his important work has gone a long way toward ensuring that people with disabilities are afforded the same opportunities as others.

Mr. Perez's enforcement of the Americans with Disabilities Act and the Supreme Court's Olmstead decision has brought opportunities to many thousands of people with disabilities to live in their own homes and communities, and to participate as full members of society. These efforts have fundamentally changed the lives of people with disabilities. The Justice Department's Olmstead enforcement efforts have resulted in a much-needed acceleration of efforts in a number of States to expand access to cost-effective community-based services and supports under the Medicaid program.

Under Mr. Perez's leadership, the Justice Department also issued important regulations implementing the ADA—the first comprehensive update since the original regulations were promulgated in 1991—as well as four sets of proposed regulations implementing various aspects of the ADA. In addition, Mr. Perez's efforts to ensure people with disabilities have equal access to polling locations, along with his efforts

to prevent States from instituting regressive voter laws, have expanded access to the vote for Americans with disabilities nationwide.

Tom Perez has been one of the most important voices of our time for improving the lives of people with disabilities, and we are grateful for his leadership of the Civil Rights Division.

AAPD; Access Living; American Counseling Association; Autistic Self Advocacy Network; Bazelon Center for Mental Health Law; National Association of the Deaf; National Disability Rights Network; National Federation of the Blind; TASH; Telecommunications for the Deaf and Hard of Hearing, Inc.; The American Network of Community Options and Resources (ANCOR); The Association of Programs for Rural Independent Living (APRIL); The Center for Self-Determination; The Disability Rights Center; United Spinal Association; USAction.

WHITEMAN, OSTERMAN & HANNA LLP,  
ALBANY, NY 12260,  
April 15, 2013.

Senator THOMAS HARKIN (D-IA),  
731 Hart Senate Office Building,  
Washington, DC 20510.

Senator LAMAR ALEXANDER (R-TN),  
455 Dirksen Senate Office Building,  
Washington, DC 20510.

Re: Thomas Perez, Nominee for Secretary of Labor

DEAR SENATORS HARKIN AND ALEXANDER: I write as an appointee by former President George H.W. Bush to the U.S. Department of Justice in support of Thomas Perez who has been nominated by President Obama to serve as Secretary of Labor and urge your favorable consideration of his candidacy.

As the Assistant Attorney General for Civil Rights (1990-93), I worked directly with Tom (in fact, I hired him in 1990) on a variety of sensitive matters, including criminal and voting rights issues. During a number of face-to-face meetings, I had the opportunity both to review his legal-based memoranda and to engage in a number of intense debates as to what should be the Division's final course of action. As a result of those experiences, I found Tom to be an excellent lawyer, a dedicated public servant with a deep commitment to the common good, and a person of legal and moral integrity; qualities that enable him to recognize the value of contending parties' positions in order to achieve workable solutions.

I believe that he will bring those skills and strong personal qualities to the duties of the Secretary of Labor and enable him to perform in a manner worthy of your trust.

Thank you for listening to my support for this very special and patriotic man.  
Respectfully yours,

JOHN R. DUNNE.

AMERICAN ASSOCIATION OF PEOPLE WITH DISABILITIES (AAPD),  
WASHINGTON, DC 20006,  
April 12, 2013.

Hon. TOM HARKIN, *Chairman,*  
*Committee on Health, Education, Labor, and Pensions,*  
731 Hart Senate Office Building,  
Washington, DC 20510.

Hon. LAMAR ALEXANDER, *Ranking Member,*  
*Committee on Health, Education, Labor, and Pensions,*  
455 Dirksen Senate Office Building,  
Washington, DC 20510.

DEAR CHAIRMAN HARKIN AND RANKING MEMBER ALEXANDER: On behalf of all the undersigned disability rights organizations, we write to urge you to vote to confirm Thomas Perez as the next Secretary of the U.S. Department of Labor. Mr. Perez is highly qualified to serve as Secretary of Labor, having a long record of working with employees, job seekers, and employers to promote greater employment opportunities for all Americans. In particular, his work to advance opportunities for people with disabilities gives us confidence that he will be an effective Labor Secretary.

In the 23 years since the passage of the Americans with Disabilities Act, a top priority of the disability rights movement has been making sure that the law is

properly enforced. In that time, few have played a greater role in advancing that cause than Assistant Attorney General Tom Perez. During his time leading the Civil Rights Division of the Department of Justice, Mr. Perez has earned his reputation as an extraordinary champion of people with disabilities by enforcing the law to ensure that every American has an equal opportunity to succeed.

The Supreme Court's *Olmstead* decision and Mr. Perez's enforcement of the Americans with Disabilities Act have created new opportunities for many thousands of people with disabilities to live in their own homes and communities. These efforts have fundamentally changed the lives of people with disabilities, allowing many to participate as full members of society for the first time.

Under Mr. Perez's leadership, the Justice Department also issued important regulations implementing the ADA—the first comprehensive update since the original regulations were promulgated in 1991—as well as four sets of proposed regulations implementing various aspects of the ADA. In addition, Mr. Perez's efforts to ensure people with disabilities have equal access to polling locations, along with his efforts to prevent States from instituting regressive voter laws, have expanded access to the vote for Americans with disabilities nationwide.

Tom Perez has been one of the most important leaders of our time for improving the lives of people with disabilities. We strongly support his swift confirmation as Secretary of Labor.

Sincerely,

AAPD; Access Alaska; Access Living; Albany Advocacy Resource Center, Inc. (ARC); American Counseling Association; American Speech-Language-Hearing Association (ASHA); American Therapeutic Recreation Association; ANIL; Arc of the United States; Arizona Bridge to Independent Living (ABIL); Association of Assistive Technology Act Programs (ATAP); Association of People Supporting Employment First (APSE); Association of Programs for Rural Independent Living (APRIL); Association of University Centers on Disabilities (AUCD); Bazelon Center for Mental Health Law; Brain Injury Association of America; Brooklyn Center for Independence of the Disabled (BCID); Brown, Goldstein & Levy, LLP; Californians for Cures; Center for Independence of the Disabled of New York; Connecting Arizona Advocates, Inc.; Council of Parent Attorneys and Advocates, Inc. (COPAA); CTD/Coalition of Texans with Disabilities; Disability Power & Pride; disABILITY Resource Center; Disability Rights Education and Defense Fund; Disability Rights Legal Center; Disability Rights NC; Easter Seals; Enable America; Epilepsy Foundation; Epilepsy Foundation of Western Wisconsin; Equip for Equality; Federal Employees with Disabilities; Freedom Center; Illinois Iowa Center for Independent Living; IndependenceFirst; Independent Living Center of the North Shore & Cape Ann, Inc.; Inglis; Institute for Educational Leadership; Little People of America; Maryland Disability Law Center; Mental Health America; National Alliance on Mental Illness; National Association of Councils on Developmental Disabilities; National Center for Environmental Health Strategies; National Center for Learning Disabilities; National Consumers League; National Council on Independent Living; National Disability Rights Network; National Down Syndrome Congress; National Federation of the Blind; National Health Law Program; National Organization of Nurses with Disabilities (NOND); Parent to Parent USA; People First of Ohio; Prairie Independent Living Resource Center, Inc.; Services for Independent Living, Inc. (SIL); Southeast Alaska Independent Living; Southwest Center for Independent Living; Telecommunications for the Deaf and Hard of Hearing, Inc.; The Advocacy Institute; United Spinal Association; USAction; Virginia Association of Centers for Independent Living.

RYMAN HOSPITALITY PROPERTIES, INC.,  
NASHVILLE, TN 37214,  
March 18, 2013.

ERIC SCHULTZ,  
Associate Communications Director,  
White House Office of Communications.

DEAR ASSOCIATE COMMUNICATIONS DIRECTOR SCHULTZ: As a Tennessee business leader please know that Tom Perez's leadership in Maryland has been tremendously helpful to our industry. As you may know our company has invested well over a billion dollars in Prince Georges County with Gaylord National Resort & Convention Center and he has been very supportive of our organization over the years. If he is confirmed, business will find a labor secretary with an open door and a willing-



ness to find common ground and practical solutions. I appreciate any support you may be willing to extend on his behalf.

Best regards,

COLIN V. REED,  
*Chairman & Chief Executive Officer.*

[PR.com, April 10, 2013—Press Release]

ENABLE AMERICA SUPPORTS PEREZ'S SECRETARY OF LABOR NOMINATION

TAMPA, FL—With the U.S. Senate reconvening today following a spring recess, Enable America is urging Senators to proceed promptly and confirm the nomination of Thomas Perez as Secretary of the U.S. Department of Labor.

Enable America Chairman Richard Salem said,

"Enable America strongly supports the nomination of Thomas Perez to U.S. Secretary of Labor. Mr. Perez has a long and proactive history working to promote the rights of people with disabilities. Well-served."

The 51-year-old Perez is currently Assistant Attorney General for the Civil Rights Division in the U.S. Department of Justice. If confirmed, he will replace the outgoing Secretary Hilda Solis. Perez has a long career in public service. Prior to heading the Office of Civil Rights at the U.S. Department of Health and Human Services during President Clinton's administration, he was a Federal prosecutor in the Department of Justice. Later he served as Deputy Assistant Attorney General for Civil Rights under Attorney General Janet Reno. He was also Special Counsel to Senator Edward Kennedy, acting as the Senator's chief adviser on civil rights, criminal justice and constitutional issues.

Most recently, in his role at the Justice Department, Perez has focused on regulations that expand the impact of the Americans with Disabilities Act.

Enable America was founded in 2002 as an organization to improve employment opportunities for people with disabilities. Programs that include Career Mentoring Days, Job Seeker Workshops, VetConnect for Disabled Veterans and Wounded Warriors, Community Connections, and Business to Business Meetings all work to unite members of the disability and business communities, raising awareness and opening doors to employment for the more than 56 million Americans with life altering disabilities.

Companies, agencies, organizations, and individuals who want to participate in Enable America programs can learn more at the organization's Web site, [www.EnableAmerica.org](http://www.EnableAmerica.org).

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WASHINGTON BUREAU—NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE (NAACP),  
WASHINGTON, DC 20005,  
*April 17, 2013.*

Hon. TOM HARKIN, *Chairman,*  
*Committee on Health, Education, Labor, and Pensions,*  
*U.S. Senate,*  
*Washington, DC 20510.*

Hon. LAMAR ALEXANDER, *Ranking Minority Member,*  
*Committee on Health, Education, Labor, and Pensions,*  
*U.S. Senate,*  
*Washington, DC 20510.*

Re: NAACP Strong Support for the Confirmation of Tom Perez to be the Next Secretary of Labor

DEAR CHAIRMAN HARKIN AND SENATOR ALEXANDER: On behalf of the NAACP, our Nation's oldest, largest and most widely recognized grassroots-based civil rights organization, I strongly urge you to support the confirmation of Tom Perez to be the next U.S. Secretary of Labor. Throughout his career, Tom Perez has demonstrated that he has the talent, energy, knowledge, skills and experience to lead the U.S. Department of Labor in its important mission to protect and grow the middle class and to help all Americans obtain and retain decent jobs with adequate compensation.

Assistant Attorney General Perez is well-known to and very well-respected by the NAACP at the national level as well as within the State of Maryland. Throughout his career, first with the Department of Justice under Attorney General Janet Reno and as chair of the inter-agency Worker Exploitation Task Force; and then as special counsel to Senator Kennedy (MA); followed by his work as the Department of

Health and Human Services' Office for Civil Rights, Mr. Perez impressed us as a hard-working, intelligent man of conscience. Mr. Perez also did an exemplary job for the State of Maryland as her Secretary of Labor. In this capacity, he collaborated with businesses and employees to address critical workforce development needs and continue to build a world-class workforce.

In his capacity as Assistant Attorney General for Civil Rights, the NAACP has worked closely with Mr. Perez and we have been impressed by not only his passion for the protection of Americans' civil and human rights, but also with his ability to get real results. The Civil Rights Division has been extremely productive in the last few years. For example, the Division handled more new voting cases in 2012 than any prior year, including critical litigation to defend the constitutionality of the Voting Rights Act.

Assistant Attorney General Perez also oversaw the successful implementation of the 2010 Shepard-Byrd Hate Crimes Prevention Act, landmark legislation that has transformed how the Federal Government investigates and prosecutes hate crimes.

In addition to these milestones, Mr. Perez has also worked steadfastly and diligently within the Civil Rights Division to implement institutional reforms to restore the integrity of the Division's hiring practices, the vigor of the Division's enforcement efforts, and the morale of the Division's employees. As confirmed by a recent study released by the Department of Justice's Inspector General, merit and experience—not politics—are once again the basis for Civil Rights Division hiring decisions.

Again, I urge you in the strongest terms possible to confirm Tom Perez as U.S. Secretary of Labor. The NAACP is excited about this nomination, as we have every confidence that Mr. Perez will do an outstanding job in protecting the rights of American workers which establishes internal reforms which will serve the Department of Labor, and the American people, well for decades in the future.

Thank you in advance for your attention to the NAACP position. Should you have any questions or comments, please do not hesitate to contact me at my office at (202) 463-2940.

Sincerely,

HILARY O. SHELTON,  
*Director, NAACP Washington Bureau &  
Senior Vice President for Advocacy and Policy.*

NATIONAL WOMEN'S LAW CENTER,  
WASHINGTON, DC 20036,  
*April 17, 2013.*

Senator TOM HARKIN, *Chairman,*  
Senator LAMAR ALEXANDER, *Ranking Member,*  
*Senate Committee on Health, Education, Labor, and Pensions,*  
*428 Dirksen Senate Office Building,*  
*Washington, DC 20510.*

Re: Nomination of Thomas E. Perez to be Secretary of the U.S. Department of Labor

DEAR SENATORS HARKIN AND ALEXANDER: On behalf of the National Women's Law Center (the "Center"), an organization that has worked since 1972 to advance and protect women's legal rights, we write in strong support of the nomination of Thomas E. Perez to be Secretary of the U.S. Department of Labor.

The Department of Labor serves a critical role in ensuring opportunities for women in the workplace. It enforces the Federal guarantee that workers can take job-protected family and medical leave, wage and hour protections that protect workers from exploitation and abuse, and rules requiring Federal contractors to advance equal opportunity in their workforces, including equal pay, among other crucial protections. It also houses the Women's Bureau, whose mission is to improve the status and working conditions for wage-earning women. The next Secretary of the Department of Labor will have the opportunity to continue the important progress toward fairer workplaces for women, and for all workers, that has been made during Secretary Solis' tenure.

Mr. Perez, who currently serves as the Assistant Attorney General for Civil Rights in the Department of Justice, has demonstrated such a commitment throughout his career. Under his leadership, the Civil Rights Division has reinvigorated enforcement of Federal laws against discrimination. Among other things, it has litigated groundbreaking title IX sexual harassment complaints against public schools, colleges, and universities; challenged discriminatory barriers for women working in nontraditional fields in State and local government, investigated sex discrimination by law enforcement agencies; brought numerous cases to enforce the Fair Housing

Act's prohibition of sex discrimination; and protected women's ability to obtain essential health care without physical harm, harassment or intimidation under the Freedom of Access to Clinic Entrances Act.

Before becoming Assistant Attorney General for Civil Rights, Mr. Perez served as Secretary of the Maryland Department of Labor, Licensing, and Regulation (DLLR), experience that would be highly relevant to the position to which he has been nominated. In his capacity as Secretary of DLLR, Mr. Perez has supported implementing the recommendations of the Maryland Equal Pay Commission, which helped ease the passage of a pay disparity data bill in 2008; this paved the way for the passage of the Lilly Ledbetter Civil Rights Restoration Act on April 14, 2009 (mirroring the Federal Lilly Ledbetter Fair Pay Act). Moreover, he supervised an agency of 1,700 employees and managed a \$170 million budget.

The rest of Mr. Perez's 20-year career in public service similarly demonstrates a commitment to civil rights and to enforcing legal protections upon which women, and all Americans, rely. He worked as a career prosecutor in the Civil Rights Division of the Department of Justice, was promoted to be Deputy Chief of the Criminal Section, and was later appointed Deputy Attorney General for Civil Rights. He served as Senator Edward Kennedy's Special Counsel on the Senate Judiciary Committee, acting as the Senator's principal adviser on civil rights. From February 1999 until the end of the Clinton administration, Mr. Perez served as Director of the Office for Civil Rights at the U.S. Department of Health and Human Services (HHS), where he advised the HHS Secretary on a number of civil rights issues, including discrimination in welfare-to-work programs based on race, disability, and national origin. Following his service in the Federal Government, Mr. Perez taught at the University of Maryland School of Law for 6 years as a clinical law professor and served on the Montgomery County, MD, County Council.

Throughout his career, Mr. Perez has worked to protect and further legal rights and protections crucial to the women of this country. Mr. Perez has the experience and the commitment to enforcing the Federal laws upon which women, and all workers, rely, and is well-positioned to continue the important work of the Department of Labor. Consequently, the Center offers its strong support of Thomas E. Perez to be the Secretary of the Department of Labor, and urges you to support his nomination. If you have questions or if we can be of assistance, please contact us at (202) 588-5180.

Sincerely,

NANCY DUFF CAMPBELL,  
*Co-President,*

MARCIA D. GREENBERGER,  
*Co-President.*

[Whereupon, at 12:15 p.m., the hearing was adjourned.]

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